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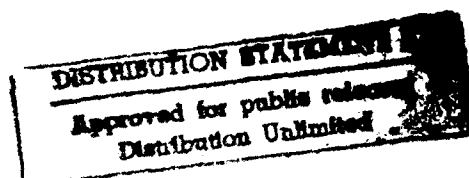
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Procedures for the Acquisition and Management of Technical Data



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**Assistant Secretary of Defense
Production and Logistics**

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PRODUCTION AND
LOGISTICS

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-8000



May 14, 1993

FOREWORD

This Manual is issued under the authority of DoD Instruction 5000.2, "Defense Acquisition Management Policies and Procedures," February 23, 1991. It prescribes policies and procedures for DoD acquisition and management of technical data.

This Manual applies to the Office of the Secretary of Defense (OSD), the Military Departments; the Chairman of the Joint Chiefs of Staff and the Joint Staff; and the Defense Agencies (hereafter collectively referred to as "the DoD Components"). This Manual is effective immediately and is mandatory for use by all DoD Components. Supplementation and implementation of this Manual by the DoD Components shall comply with DoD Instruction 5000.2, section G.

Send recommended changes to the Manual to:

OASD(P&L)
Computer-aided Acquisition and Logistics Support (CALS)
CALS Evaluation and Integration Office/Plans and
Policy Division
5203 Leesburg Pike, Suite 1609
Falls Church, VA 22041-3466

The DoD Components may obtain copies of this Manual through their own publications channels. Other Federal Agencies and the public may obtain copies from the Defense Printing Service Detachment Office, Attn: Customer Service, 700 Robbins Avenue, Philadelphia, PA 19111-5094. Telephone: (215) 697-2179.

David J. Berteau
David J. Berteau
Principal Deputy

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REFERENCES

- (a) DoD 5010.12-L, "Acquisition Management Systems and Data Requirements Control List (AMSDL)", authorized by DoD Directive 5000.2, February 23, 1991
- (b) Defense Federal Acquisition Regulation Supplement (DFARS), current edition
- (c) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (d) Public Law 96-511, "Paperwork Reduction Act of 1980," December 11, 1980
- (e) Title 10, United States Code
- (f) DoD Instruction 5000.2, "Defense Acquisition Management Policies and Procedures," February 23, 1991
- (g) DOD-STD-963, "Data Item Descriptions, Preparation of," August 15, 1986
- (h) MIL-HDBK-59, "Department of Defense Computer-Aided Acquisition and Logistics Support (CALS) Program Implementation Guide, September 28, 1990
- (i) Public Law 98-369, "Competition in Contracting Act of 1984"
- (j) Federal Acquisition Regulation, current edition
- (k) Defense Standardization Program Standardization Directory (SD-1), current edition
- (l) MIL-HDBK-248, "Acquisition Streamlining," February 9, 1989
International Traffic in Arms Regulation
Export Administration Regulations
Public Law 90-629, "Arms Export Control Act," as amended (22 U.S.C. 2751 et seq.)
- (m) MIL-T-31000, "Technical Data Packages, General Specification for," December 15, 1989
- (n) MIL-STD-1806, "Marking Technical Documents Prepared by or for the Department of Defense," February 1, 1990
- (o) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (p) DoD 5400.7-R, "Freedom of Information Act Program," October 1990, authorized by DoD Directive 5400.7
- (q) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (r) MIL-STD-961, "Military Specifications and Associated Documents, Preparation of," May 20, 1988
- (s) MIL-STD-962, "Military Standards, Handbooks, and Bulletins, Preparation of," May 20, 1988
- (t) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982

- (u) Armed Services Pricing Manual, 1986
- (v) MIL-I-45208, "Inspection System Requirements," December 16, 1963
- (w) MIL-Q-9858, "Quality Program Requirements," December 16, 1963
- (x) DOD-STD-2168, "Defense System Software Quality Program", April 29, 1988
- (y) MIL-M-7298, "Manuals, Commercial Off-the-Shelf," February 1, 1988
- (z) MIL-HDBK-288, "Review and Acceptance of Engineering Drawing Packages," January 14, 1991
- (aa) MIL-M-9868, "Microfilming of Engineering Documents, 35MM, Requirements for," October 1, 1970
- (ab) MIL-D-5480, "Data, Engineering and Technical, Reproduction Requirements for," June 15, 1970
- (ac) MIL-M-38761, "Microfilming and Photographic of Engineering/Technical Data and Related Documents: PCAM Cord Preparation, Engineering Data Micro-Reproduction System, General Requirements for Preparation of," August 26, 1977
- (ad) MIL-STD-804, "Formats and Coding of Aperture, Camera, Copy and Tabulating Cards," April 30, 1990
- (ae) MIL-STD-1840, "Automated Interchange of Technical Information," November 3, 1992
- (af) MIL-D-28000, "Digital Representation for Communication of Product Data: IGES Application Subsets and IGES Application Protocols," February 10, 1992
- (ag) MIL-R-28002, "Raster Graphics Representation in Binary Format, Requirements for," December 14, 1992
- (ah) Public Law 89-487, "Freedom of Information Act," as amended (5 U.S.C 552 (b) (3) and (4))
- (ai) DoD Cataloging Handbook H4/H8, "Contractor and Government Entity (CAGE)
- (aj) DoD 5230.25-PH, "Control of Unclassified Technical Data with Military or Space Application," May 1985, authorized by DoD Directive 5230.25
- (ak) DoD Instruction 7230.7, "User Charges," January 29, 1985
- (al) DoD 4120.3-M, "Defense Standardization and Specification Program Policies, Procedures and Instructions," August 1978, authorized by DoD Directive 5000.2

DEFINITIONS

1. Acceptance. The act of an authorized representative of the Government by which the Government, for itself or as an agent for another, assumes ownership of existing identified items tendered or approves specific services rendered as partial, or complete, performance of the contract.
2. Acquisition Management Systems and Data Requirements Control List (AMSDL). A listing of source documents and data item descriptions which have been approved for repetitive contractual application in DoD acquisitions and those that have been cancelled or superseded. The AMSDL is identified as DoD 5010.12-L (reference (a)) and is reissued semiannually in April and October of each year.
3. Contract Data Requirements List (CDRL) DD Form 1423. The standard format for identifying potential data requirements in a solicitation and deliverable data requirements in a contract.
4. Contractual Data Requirement. A requirement, identified in a solicitation and imposed in a contract or order that addresses any aspect of data; i.e., that portion of a contractual tasking requirement associated with the development, generation, preparation, modification, maintenance, storage, retrieval, and/or delivery of data.
5. Controlling DoD Office. The DoD activity that sponsored the work that generates technical data or receives technical data for the Department of Defense therefore, has the responsibility for controlling the distribution of a document containing such technical data. (It should be noted that the controlling DoD office is also responsible for selecting the correct distribution statement and ensuring that it is applied to the technical data prior to initial distribution.)

6. Data. Data means recorded information regardless of the form or method of recording. For the purposes of this Manual, the term includes technical data, computer software documentation, financial information, management information and any other information required by a contract to be delivered to the Government.

7. Data Acquisition Document. A collective term for DIDs, specifications, and standards that contain requirements for the preparation of data products or for recordkeeping. With the exception of one-time DIDs, these documents require the Office of Management and Budget (OMB) clearance and must be listed in the AMSDL, DoD 5010.12-L (reference (a)).

8. Data Item Description (DD Form 1664). A form which defines the intended use, preparation instructions, and content and format requirements for a specific data product.

9. Data Management. The process of applying policies, systems, and procedures for identification and control of data requirements; for the timely and economical acquisition of such data; for assuring the adequacy of data for its intended use; for the distribution or communication of the data to the point of use; and for use analysis.

10. Data Rights Validation. The process by which the Government assures itself of the legitimacy of the asserted restrictions of the Governments right to use, release or disclose technical data. The official definition of this validation process is addressed in section 2321 of Title 10, United States Code (reference (e)).

11. Deferred Delivery. A method for delaying the delivery times for specified data. (Refer to the DFARS Subpart 405-71 (reference (b))).

12. Deferred Ordering. A method used to establish the right to obtain data that may be needed in the future but

for which a specific requirement does not exist at the time of contract award. (Refer to Subpart 227.405-71 of reference (b).)

13. Distribution Statement. A statement used in marking technical data to denote the extent of its availability for secondary distribution, release, and disclosure without need for additional approvals or authorizations from the controlling DoD office. (Refer to DoD Directive 5230.24, "Distribution Statements on Technical Documents. (reference (c)).

14. DoD AMSDL Clearance Office. The office representing the Secretary of Defense that has been assigned the DoD-wide OMB clearance authority and responsibility for preparing and issuing the AMSDL, and for developing and implementing DoD policy for technical data requirements that are in compliance with Pub. L. No. 96-511 (reference (d)).

15. DoD Component Data Management Focal Point. That designated individual assigned principal responsibility for promulgating and ensuring compliance with the procedures outlined in this Manual at the DoD Component level. The DoD component data management focal point is the single focal point within the DoD Component for all data management issues.

16. Final Review. The final review of the completed technical data that has been submitted to the specified Government reviewing activity. That review includes a check for compliance of the technical data with contractual requirements, and proper identification of rights in technical data.

17. In-Process Review (IPR). In-process reviews provide an opportunity to monitor the technical data during preparation. These reviews also provide opportunities to verify the adequacy of the design activities, practices, and

procedures, including quality assurance (QA) practices for data that will result in deficient (missing dimensions, tolerances, notes, and interface requirements), incomplete (missing reference documents, mandatory processes, etc.), and nonconforming (not in accordance with contractual requirements) data. Discovery of discrepancies during this review will facilitate and expedite the final review and acceptance of the technical data.

18. Inspection. The examination of the technical data to determine whether it conforms to specified contractual requirements.

19. One-Time DID. A DID approved by a DoD Component for one-time acquisition use, which is associated with a unique data requirement applicable to a single contract.

20. Organizational Data Management Officer. That designated individual assigned primary responsibility at a major organizational level (e.g., major command, agency, center, laboratory) for ensuring compliance with the procedures of this Manual.

21. Organizational Data Manager. That designated individual at the project or system program office, division, DoD Field Activity, and other lower echelon assigned responsibility to assist an organizational data management officer in ensuring compliance with the procedures of this Manual.

22. Other Definitions. DFARS Subpart 227.401 defines other terms customarily used in data rights acquisition and management processes.

23. Overage DIDs. The DIDs that have been in the system without revision for a period of 10 years, or more.

24. Primary Distribution. The distribution of documented technical data to recipients, as determined by the controlling DoD office.
25. Reviewing Activity. The Government activity assigned to perform in-process, or final, reviews of TDPs.
26. Secondary Distribution. Distribution of, or access to, a document or technical data usually based on a request to a document repository or information center, performed by other than the controlling DoD office.
27. Tailoring of Data Requirements. Tailoring is the process of focusing on obtaining only minimum essential technical data and data rights. Tailoring data requirements shall consist of reducing the scope of an approved DID or source document, by specifying in block 16 of the DD Form 1423 those portions of the DID, or other data acquisition document, which are or are not applicable to the specific acquisition.
28. Technical Data. As used in this Manual, the term technical data has the same meaning as the term data. (When used in reference to rights in data and computer software, the term technical data means recorded information of a technical or scientific nature. The term does not include computer software or data incidental to contract administration such as financial or management information.)
29. Technical Data Package (TDP). A technical description of an item adequate for supporting an acquisition strategy, which defines the required design configuration and procedures to ensure adequacy of item performance. It consists of all applicable technical data such as drawings, associated lists, specifications, standards, performance requirements, QA provisions, and packaging details.
30. Technical Manual (TM). A publication that contains

instructions for the installation, operation, maintenance, training, and support of weapon systems, weapon system components, support equipment, or other items procured by the Department of Defense (DoD). TM information may be presented in any form or characteristic, including, but not limited to, hard copy, audio and visual displays, magnetic tape, discs, and other electronic devices. A TM normally includes operational and maintenance instructions, parts lists or parts breakdown, and related technical information or procedures exclusive of administrative procedures. Technical orders (TOs) that meet the criteria of this definition may also be classified as TMs.

31. Validation. As used, validation is the process by which the contractor (or other activity as directed by the DoD Component procuring activity) tests technical documents for accuracy and adequacy, comprehensibility, and usability. Validation is conducted at the contractor's facility or at an operational site and involves the hands-on, unless otherwise agreed on by the DoD Component, performance of operating and maintenance procedures including checkout, calibration, alignment, and scheduled removal and installation instructions. (For validation of data rights, see "Data Rights Validation.")

32. Verification. The process by which technical data are tested and proved under DoD Component control to be technically accurate and complete, comprehensible, and usable for operation and maintenance of equipment or systems procured for operational units. Verification is conducted by using personnel with skill levels equivalent to those of the people who will be required to maintain the equipment or system in the operational environment. Verification consists of the actual performance of operating and maintenance procedures and associated checklists, including checkout, calibration, alignment, and scheduled removal and installation procedures.

33. Warranty of Data. A data warranty is a guarantee by the contractor that all technical data delivered under the contract conform with all contractual requirements for the data.

CHAPTER 1

GENERAL INFORMATION

A. SCOPE

This Manual is applicable to the acquisition and management of data within the DoD. This includes data both in paper and digital format and data to which the DoD has access via contractor-provided services.

B. PURPOSE

1. The purpose of this Manual is to provide a uniform approach to the acquisition and management of data required from contractors. The procedures are intended to provide data management tools necessary to minimize and standardize data requirements that will be included in DoD contracts.

2. The DoD Components shall comply with the requirements and procedures contained herein, tailored to the data management requirements of each user activity.

3. This Manual is not intended to be a definitive treatment of the rights of the Department of Defense to use, release, or disclose technical data or computer software, a subject which is addressed in detail in the DFARS subpart 227.4 (reference (b)).

C. OBJECTIVES

1. The objectives of this Manual are to assist DoD personnel engaged in the acquisition and management of data in achieving optimum effectiveness and economy in the development, acquisition, and use of data for systems and equipment within the Department of Defense. This Manual

should be used by all persons involved in the data acquisition and management process

2. The procedures prescribed in this Manual are the basis for accomplishing the following:

a. Establishing standards for determining what data must be acquired from contractors to meet DoD minimum essential needs.

b. Selecting data requirements through the "tailoring" process and giving priority to commercial data where available and feasible.

c. Using the least intrusive procedures to acquire necessary data and data rights from contractors.

d. Ensuring selective acquisition of data in both paper form and in digital form. Data acquired in digital form must meet the requirements of Part 6, section N of DoD Instruction 5000.2 and DOD-STD-963 (references (f) and (g)), and the guidance in MIL-HDBK-59 (reference (h)).

e. Controlling the generation of data requirements.

f. Minimizing and preventing the proliferation of data requirements.

g. Providing for complete visibility of data requirements in contracts.

h. Ensuring that the price of data is commensurate with the benefits to be derived from the use of the data over the life cycle of the system or item.

i. Promoting optimum uniformity in the identification, development, access and control of data requirements in and between each DoD Component and to facilitate the exchange of data between the DoD Components.

j. Ensuring that the quality of the data meets the contractual requirements.

k. Ensuring timeliness, accuracy, and adequacy of the data delivered.

l. Utilizing, to the maximum extent, data generated in contractor format.

m. Ensuring the proper marking of technical data or documents for distribution.

n. Ensuring compliance with all current DoD regulations on the selection, acquisition, and use of data.

o. Ensuring that duplicate data are not ordered.

p. Ensuring that the data ordered has actually been delivered to the Government.

q. Promoting, to the maximum extent, competition in DoD acquisitions.

r. Ensuring that technical data which, exists in data repositories and interchanges, is utilized to the maximum extent possible.

s. Ensuring that data is delivered at the times and with the quality necessary to prevent schedule and use problems.

D. FUNCTIONS OF DATA ACQUISITION AND MANAGEMENT

1. Data acquisition and management is the process of applying policies, systems, and procedures for:

a. Identification and control of data requirements.

b. Timely and economical development of data.

c. Ensuring the adequacy of such data for full compliance with the contract and for its intended use. This includes, where necessary, early application of contractual remedies needed to correct defective data products.

d. Distribution of the data to the point of use.

e. Analysis of the data's suitability for intended use.

2. The adequacy of data delivered in fulfillment of contractual data requirements depends on implementation of the contractor's data management process before delivery of the data to the Government. The contractor's data management system should ensure that internal surveillance and review of deliverable data are accomplished before its release. Determination that data is complete, accurate, and in compliance with applicable contract standards is the responsibility of the contractor and is confirmed by the Government's data management process.

3. As a minimum, an adequate data acquisition and management program provides:

a. Identification of all contractual data requirements, including their authorization, delivery schedule, data rights marking, and quantity.

b. A process from which data requirements are developed, data prices determined, and deliveries are monitored, throughout the life of the contract.

c. Precise procedures for control of change to the data requirements, price, and delivery schedule.

d. A decision process that ensures acquisition of adequate data to support competition, as required by Pub. L. 98-369 (1984), reference (i)).

CHAPTER 2

IDENTIFICATION AND ESTABLISHMENT OF DATA REQUIREMENTS

A. PRELIMINARY PLANNING PHASE

1. The acquisition of materiel requires a comprehensive and well planned operation to fulfill a realistic need for such materiel. When the need is translated into requirements, acquisition documentation to support a materiel life-cycle strategy is developed.

2. As an integral part of the routine planning for acquisition of materiel, a plan to acquire technical data and computer software is required. For major programs, the plan may be a separate document such as an engineering/technical data management plan or it may be a section of another planning document such as the program or project acquisition plan.

3. The preliminary planning phase is a critical part of any acquisition action and must be conducted early enough to allow for the scheduling of all actions associated with obtaining a contract award. The preliminary planning phase is the translation of the acquisition strategy into the acquisition of the materiel. During the preliminary planning phase, a determination is made as to which stage in the life cycle the data is needed and, in conjunction with the materiel acquisition strategy, a data call is issued before the request for proposal (RFP) or sealed bid preparation process.

4. The preliminary planning phase should provide detailed information that adequately defines the

proposed acquisition strategy to allow recipients of the data call to translate that strategy into minimum essential data requirements. An important element of that strategy is the acquisition of digital technical data in accordance with the requirements of Part 6, Section N, of DoD Instruction 5000.2 (reference (f)).

5. As part of the acquisition strategy, the careful use of warranties of technical data under the provisions of the DFARS, Subparts 227.405.72 and 246.708, (reference (b)) offers an additional tool to assist in assuring delivery of quality technical data and in correcting defective data products.

B. DATA CALL

1. At the direction of the program manager, data manager, or other responsible official, a call for data requirements to be obtained from contractors about the proposed acquisition is issued. The data call should be issued at least 6 months before the release of the RFP or sealed bid and can take many forms, such as being issued in writing or by a called meeting. The data call must provide the data call recipient with, as a minimum, the following information:

- a. Type of effort (research and development, and production, etc.).
- b. Length of effort (months, years, or days).
- c. Brief description of effort together with planned top-tier post-award contractual milestone schedule.
- d. Key program information such as the acquisition strategy, maintenance concept, and, when available, key program documents such as the

acquisition plan, engineering/technical data management plan, integrated logistics support plan, and test and evaluation master plan.

e. Contractor (if known) and identification of any overlap with other existing contracts.

f. Tasking documents (statement of work (SOW), purchase description, and specification, etc.). Documents may be in draft or final form.

g. The military or commercial requirements that shall be applied in principal for the acquisition.

h. Requirement for written justification for each data item requested.

i. Type of contract.

j. Point of contact for data call information or guidance.

k. Suspense date(s), such as contract award milestone events, which allow adequate time for a well prepared response.

2. The data call must reach all functional areas that support the materiel; e.g., engineering, integrated logistics support activities, configuration management, test and evaluation, product assurance, safety, human engineering, training, and comptroller, etc. The data call should also be provided to the end user of the data, the system or project management team, and the contracting office.

C. DATA CALL RESPONSE

1. Data call recipients have the responsibility for responding to the data call through their established functional organizations. Each functional area must identify specific, minimum essential data requirements based on the intended use of the data, tailored to delete unnecessary data preparation. Those data call participants must refer to the SOW or other requirements' documents that define contractual tasking to determine the deliverable data requirements to preclude ordering data that is not supported by a valid requirement.

2. Source documents cited for tasking purposes must be tailored to delete unnecessary data preparation tasks. Where such documents do not provide clear data requirements, the data tasking requirements must be written into the SOW in concise and unambiguous terms.

3. All data requirements to be included in a solicitation or contract, with the exception of data acquired by any clauses of the FAR or the DFARS (references (j) and (b)), must be selected from the listing of OMB-cleared data acquisition documents (i.e., military specifications, military standards, and the DIDs in the AMSDL, DoD 5010.12-L (reference (a))). If reference (a) does not contain an appropriate cleared DID, one must be prepared in accordance with DOD-STD-963 (reference (g)) and, unless it is for one-time use for a single acquisition, cleared by the AMSDL Clearance Office to comply with the requirements of Pub. L. No. 96-511 (1980) reference (d)). Additional guidance for the preparation, coordination, clearance, and approval of the DIDs is in Chapter 8 of this Manual.

4. The response to the data call is critical and provides the basis for the user's data requirements

becoming contractual requirements. Those requirements shall be consolidated and reviewed at several management levels, any one of which may challenge the need for the data. Flawed or unneeded requirements should be identified and revised or rejected and removed before contractual application. Care must be taken when initially establishing data requirements to prevent additional research, review, rewrite, and justification after contract implementation. Following the selection of minimum essential data requirements, specific guidance (if necessary) and justification for each data item must be provided to the initiator of the data call.

D. PREPARATION OF DATA ITEM DESCRIPTIONS (DIDs)

1. In reviewing the AMSDL, DoD 5010.12-L (reference (a)), it may be determined that an existing DID does not satisfy the requirement, even through tailoring (see Chapter 3, section B., of this Manual for tailoring guidance), or that there are no DIDs that address the data requirement. In those instances, action must be taken, in accordance with DOD-STD-963 (reference (g)), to formally revise an existing DID to incorporate the additional requirements, to prepare a new DID or to prepare a one-time DID. Additional guidance for processing the DIDs is contained in Chapter 8 of this Manual.

2. If the decision is made to revise or supersede the existing DID, the following actions should be started:

a. Contact the office of primary responsibility (OPR) for the existing DID to obtain their consent to revise or supersede the DID. The OPR is shown in block 5 of the DID and in Section II of the AMSDL (reference (a)) by their designated office symbols and codes, usually contained in the

SD-1 (reference (k)). If reference (k) does not contain the OPR's designated office symbols and codes, the data management focal point for the Service or Agency responsible for the DID should be contacted for assistance. The focal points, with their names and telephone numbers, are listed in Section F. of reference (a).

b. Provide a draft copy of the revised DID to the OPR for review. If the OPR concurs with the revision, the OPR should then submit the revised DID to the AMSDL Clearance Office for clearance in accordance with Part 9, Section B. of DoD Instruction 5000.2 (reference (f)). If the OPR does not concur with the revision, the cognizant DoD Components' Data Management Focal Point or the AMSDL Clearance Office may be contacted to determine if a revision is necessary or if a separate DID may be cleared.

3. If a new DID is required, it must be prepared in accordance with DOD-STD-963 (reference (g)), coordinated with the other interested DoD Components or activities, and submitted to the AMSDL Clearance Office for clearance in accordance with Part 9, Section B. of DoD Instruction 5000.2 (reference (f)).

4. If a unique data requirement is identified for which recurring contractual use is not anticipated, a one-time DID may be prepared in accordance with reference (g). The DoD Component is responsible for assigning an identification number to the one-time DID and for ensuring that this DID is used on only one specific contract.

E. DATA REQUIREMENTS CONSOLIDATION

1. On receipt of all inputs (including negative responses) resulting from the data call, the data requirements must be consolidated into one cohesive

package. This is generally accomplished by the organizational data manager, dependent on the organizational structure. The consolidation of the data requirements shall be completed and the results identified on the DD Form 1423, the CDRL. Chapter 3 provides detailed requirements for acquisition of data using the CDRL.

2. The data requirements consolidation process is a significant step in the overall data management process. The effective use of that consolidation process usually determines how well the data package goes through the review process.

F. DATA REQUIREMENTS REVIEWS

1. A Data Requirements Review Board (DRRB) shall be established in accordance with Part 9, Section B., of DoD Instruction 5000.2 (reference (f)). The DRRB shall be responsible for authenticating all data requirements (including the corresponding SOW tasking requirements) for any acquisition having an estimated total contract cost of 5,000,000 dollars or more. Lower-dollar thresholds for convening a DRRB may be established by each DoD Component based on the circumstances of the acquisition.

2. The DRRB shall be organized in a manner that shall ensure that all data requirements and their associated tasks are reviewed by a cross section of the functional elements providing support to the system and/or equipment. A sound DRRB should include a Chair, a Vice Chair, Secretary, Board members, and alternate members. The membership of the DRRB shall be at a level of management having authority to approve or disapprove the data requirements and associated tasks for their respective functions. Normally, engineering, product assurance, safety, test and evaluation, acquisition, contracts, legal counsel, management, financial, training, logistics

support, configuration management and data user functions are represented on the Board, as required. The command CALS implementing office should be represented on the board as well.

3. Operating instructions for the DRRB should be established by the organizational data management officer. Minutes of each DRRB should be taken to document the approval or reasons for disapproval of all data items submitted for review, and to list all action items assigned at the meeting. Also, a copy of those minutes should be distributed to all data call respondents, and the status of action items assigned at the DRRB should be actively maintained until closed out to the satisfaction of the DRRB Chair. The operating instructions should identify who is responsible for taking and issuing minutes, who will chair the DRRB, and who will accomplish all the other functions described herein.

4. Usually the DRRB Chair is vested with total decision responsibility for all DRRB actions and dissenting opinion is made a matter of record in the DRRB minutes. However, when a DoD Component allows DRRB decisions to be reviewed through DoD Component organizational levels, at the request of dissenting members, the DoD Component must establish specific time constraints and a single organizational level responsible for resolving DRRB dissenting opinion to meet scheduled acquisition milestones.

5. The function of the DRRB is to review all deliverable data requirements, ensuring that:

a. Intended users of the data are in agreement with the needs and requirements of the proposed acquisition and that the requirements conform to applicable clauses of the FAR and the DFARS (references (j) and (b)).

b. Only essential data, in the most economical form, is requested and defined, including minimum quantities, consideration of contractor format, use of preliminary or informal data to meet initial needs, avoiding premature and expensive final deliveries, and use of data updates by means other than total resubmissions.

c. Approval requirements, delivery dates, and deferred ordering or delivery of data are reasonable, consistent with program schedule, and have been properly specified on the DD Form 1423.

d. Adequate QA data and/or warranty provisions have been identified in the contract schedule to ensure that data produced and delivered shall meet its intended use.

e. All DIDs referenced on the DD Form 1423 are listed in Section II of the AMSDL (reference (a)), or are one-time DIDs prepared per DOD-STD-963 (reference (g)), or are newly approved DIDs appropriately tailored for contract application.

f. All requirements for the format, content, preparation, media, and delivery of the data are either referenced in the contract solicitation or on the DD Form 1423 to permit pricing using the over-and-above method contained in Chapter 5 of this Manual.

g. All data requirements are traceable to the contract reference in block 5 of the DD Form 1423.

h. All significant changes to a DD Form 1423 are reviewed and approved.

6. For acquisitions having an estimate total contract cost of less than 5,000,000, dollars, data reviews may be performed on a formal (DRRB) or informal basis to meet the needs of the DoD Component.

G. COMMERCIAL PRODUCT ACQUISITIONS

Data managers should consult with the contracting officer to determine if a particular procurement of commercial items, commercial computer software, or commercial computer software will be made under the procedures in the DFARS, Subpart 211 (reference (b)). If so, the procedures and contract clauses in Subpart 211 of reference (b) shall have precedence over other FAR and DFARS procedures and clauses. Those procedures and clauses limit the types of data that may be acquired for commercial items, commercial computer software, and commercial computer software documentation.

CHAPTER 3

ACQUISITION OF DATAA. ESTABLISHMENT OF DATA REQUIREMENTS

1. Data requirements shall be established based on the intended use of the data with consideration given to the immediate planned and probable future use of the system, materiel, or service to which the data relates. Care must be taken to ensure that appropriate data requirements are established. Too much data may be costly and useless, while insufficient data can have a negative impact on future production, operations, maintenance, and logistics support of equipment.

2. All data requirements shall be consistent with the data acquisition documents and tasking requirements imposed by the contract and shall be tailored, as appropriate, to ensure that only essential data is acquired. Data acquisition documents are defined as only those DIDs, specifications, and standards listed in DoD 5010.12-L (reference (a)), or one-time DIDs prepared in accordance with DOD-STD-963 (reference (g)) that provides the authorized format and content of all data requirements listed on DD Form 1423. It is also important to note that the DFARS Subpart 252.227-7031 (reference (b)) states that the contractor is required to deliver only data listed on the DD Form 1423, plus all data deliverable under contract clauses prescribed in the FAR (reference (j)) and in reference (o).

3. When feasible, a draft RFP should be used to solicit industry comments on data requirements to determine possible use of contractor formatted data, to obtain their recommendations on data essentiality or alternate approaches to meeting data requirements, and to identify digital data access and delivery opportunities. Review of those industry

comments should serve to minimize data requirements costs before issuance of a formal RFP.

4. If a procurement of commercial items, commercial computer software, or commercial computer software will be conducted under the DFARS Subpart 211 (reference b)), the Government's ability to require the contractor to provide data related to the commercial items, software, or software documentation is restricted. Data requirements for commercial items, software, and software documentation must conform to the requirements in reference (b), Subpart 211. Those requirements have precedence over other FAR (reference (j)) and reference (b) requirements.

B. TAILORING AND STREAMLINING OF DATA REQUIREMENTS

1. Overstating data requirements contained in data acquisition documents in contracts often leads to increased cost and delay in delivery. This misapplication can be attributed to past emphasis on achieving maximum performance regardless of cost; to the attitude that data acquisition documents, as published, were mandatory and had to be totally applied; and to the lack of emphasis on tailoring or streamlining of those documents to a specific need.

2. Tailoring shall be accomplished by deleting requirements from the data acquisition documents (i.e., paragraphs, sentences, or words) that are not needed or not applicable to the acquisition. Block 16 of the DD Form 1423 may be used to explain how a particular DID applies to the specific acquisition if the original format, content, intent, scope, and deliverables of the data acquisition document are not exceeded or increased. (Tailoring accomplished by modifications, addenda, supplements, or other types of revisions that exceed or increase the content, intent, scope, and deliverable of the data requirements of an approved data acquisition document are prohibited. If the data acquisition document need should need additional requirements, the document must be formally

revised to incorporate the added requirements and receive OMB clearance before use in a contract.)

3. Basically, streamlining is the process of reviewing all contract requirements documents and making them as relevant to the acquisition as possible. Throughout the streamlining process, judgment must be exercised to achieve the desired balance among competing program objectives. To balance performance and life-cycle cost considerations, it is important that data acquisition documents be applied in a prudent manner and, at the same time, be properly tailored to ensure that essential operational requirements are maintained. Detailed guidance pertaining to the tailoring of contract requirements documents during the acquisition streamlining process is in MIL-HDBK-248 (reference (1)). (When invoking streamlining to first or second document levels, extreme care should be taken to specifically and additionally invoke those lower-level documents required to provide key design control provisions.)

4. Data acquisition documents should specify delivery of data in contractor format when format requirements have no direct bearing on the utility of the data and when contract format will not increase the cost of the data to the Government. The following actions should be taken if it appears that contractor format may not satisfy the Government's minimum needs:

a. If a non-competitive contract is planned, the prospective contractor should be asked to propose an alternative to the contractor and Government data formats that will reduce the data's cost to the Government.

b. If a competitive procurement is planned, data managers should request that the contracting officer structure the solicitation, including appropriate evaluation criteria, to permit offerors to propose alternative data

formats that will reduce the data acquisition costs. The solicitation must advise the offerors that the alternate data formats will be evaluated as part of the source selection process.

5. When available, maximum use should be made of contractor-provided services for electronic access and delivery of contractually required information. Data to be delivered in digital form shall comply with the Computer-Aided Acquisition and Logistics Support (CALS) requirements of Part 6, Section N, of DoD Instruction 5000.2, the format and content requirements of DOD-STD-963, and the guidance of MIL-HDBK-59 (references (f), (g), and (h)). Also, the DoD Components' CALS implementing office should be contacted for current guidance when the delivery of the technical data in digital form will be a contract requirement. Before developing contract data requirements that will permit data to be delivered in a digital format, data managers shall ensure that the DoD activities to which the data will be delivered have, or will have, the required hardware, software, and other necessary capabilities to receive, use, store, maintain, and distribute the data and to protect the data from unauthorized release or disclosure. Similarly, when a contract requires the contractor to deliver data to another contractor, (e.g., leader-follower, teaming arrangements, GFE suppliers, etc.), data managers shall ensure that the contractual arrangements will not be affected by permitting the prime contractor to deliver data in a digital format.

C. DD FORM 1423, Contract Data Requirements List (CDRL)

1. Use of DD Form 1423, the CDRL. The CDRL provides a contractual method to direct the contractor to prepare and deliver data that meets specific approval and acceptance criteria. With the exception of data specifically required by Subpart 52.2 of the FAR or Subpart 252 of the DFARS,

(references (j) and (b)), or specifically excepted by Subpart 227.405.70 of reference (b), all data-generating or record-keeping data requirements shall be listed on the DD Form 1423. Data format and content are established by data acquisition documents that (with the exception of one-time DIDs) are approved and given OMB clearance by the AMSDL Clearance Office, in accordance with Part 9, Section B, of reference (f), and listed in the AMSDL, DoD 5010.12-L (reference (a)). The data acquisition documents are listed on the CDRL in block 4 as the authority for the data requirements.

2. CDRL Supplemental Section. To assist the contractor in complying with the requirements of the CDRL, a supplemental section should be provided with each CDRL package. Included in this section should be such information as follows:

a. Definitions of acronyms and abbreviations, if not explained elsewhere in the materiel provided to the contractor.

b. Full-mailing addresses for data recipients designated in block 14 that includes an explanation of office symbols and codes.

c. Special procedures or additional information not in block 16 that pertains to review and approval of a data item when block 8 requires Government approval of the data item before final preparation.

d. The data that will be subject to the deferred delivery per the DFARS Subpart 252.227-7026 (reference (b)), when invoked.

e. Procedures for data that will be subject to deferred ordering when invoked by the contracting officer.

f. Criteria and procedures for marking technical data with distribution statements (see Chapter 4 of this Manual.)

g. Special instructions for the inspection and acceptance of data using a DD Form 250, Material Inspection and Receiving Report.

h. Procedures for accommodating and accepting data transmitted by facsimile or electronic methods when permitted by terms of the contract.

i. Expanded criteria for use in determining the price group that applies to the data to be delivered.

j. Limitation applied to control unnecessary or routine use of expensive overnight courier and/or delivery service for data deliveries.

k. Lists of DoD TMs known to be impacted by the CDRL exhibit.

l. A copy of any one-time DIDs being used for the acquisition.

3. Instructions for Completing the DD Form 1423. The DD Form 1423 exists in three automatable versions. The basic DD Form 1423 (Figure 3-1) allows up to four data items to be listed on one form. The DD Form 1423-1 (Figure 3-2) has an expanded "Remarks" block (block 16) and accommodates only one data item. The DD Form 1423-2 (Figure 3-3), which also has an expanded "Remarks" block, allows up to two data items to be listed. Entries must be made in blocks 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 14, and 15 of the DD Form 1423. Where it is determined that blocks are not applicable, insert "N/A" to indicate that those blocks were not overlooked. The DD Form 1423 shall be completed as follows:

CONTRACT DATA REQUIREMENTS LIST

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 440 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract PR No. listed in Block L.

A. CONTRACT LINE ITEM NO. 0001		B. EXHIBIT B		C. CATEGORY: TDP <input type="checkbox"/> TM <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>	
D. SYSTEM/ITEM F-99 Controls Upgrade			E. CONTRACT/PR NO. D92-8000097A-920		F. CONTRACTOR XSOFT INC. (D9999)
1. DATA ITEM NO. 0002	2. TITLE OF DATA ITEM Firmware Load Manual			3. SUBTITLE Prototype	
4. AUTHORITY (Data Acquisition Document No.) TMCR 86-01			5. CONTRACT REFERENCE SOW Para. C.4.2		6. REQUIRING OFFICE AFMC/EN
7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED D	10. FREQUENCY OTIME	12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION a. ADDRESSEE AFMC/EN b. COPIES Draft Final Reg Repro
8. APP CODE N/A		11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION N/A		
16. REMARKS Blk 12: Due 60 days after Critical Design Review (CDR)					15. TOTAL → 1
1. DATA ITEM NO. 0003	2. TITLE OF DATA ITEM Control System Test Manual			3. SUBTITLE Prototype	
4. AUTHORITY (Data Acquisition Document No.) TMCR 86-01			5. CONTRACT REFERENCE SOW Para. C.4.3		6. REQUIRING OFFICE AFMC/EN
7. DD 250 REQ LT	9. DIST STATEMENT REQUIRED D	10. FREQUENCY OTIME	12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION a. ADDRESSEE AFMC/EN b. COPIES Draft Final Reg Repro
8. APP CODE N/A		11. AS OF DATE	13. DATE OF SUBSEQUENT SUBMISSION		
16. REMARKS Blk 12: Due 60 days after CDR.					15. TOTAL → 1
1. DATA ITEM NO. 0004	2. TITLE OF DATA ITEM Control Operation Manual			3. SUBTITLE Prototype	
4. AUTHORITY (Data Acquisition Document No.) TMCR 86-01			5. CONTRACT REFERENCE SOW Para. C.4.4		6. REQUIRING OFFICE AFMC/EN
7. DD 250 REQ LT	9. DIST STATEMENT REQUIRED D	10. FREQUENCY OTIME	12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION a. ADDRESSEE AFMC/EN b. COPIES Draft Final Reg Repro
8. APP CODE N/A		11. AS OF DATE	13. DATE OF SUBSEQUENT SUBMISSION		
16. REMARKS Blk 12: Due 90 days after CDR.					15. TOTAL → 1
1. DATA ITEM NO.	2. TITLE OF DATA ITEM			3. SUBTITLE	
4. AUTHORITY (Data Acquisition Document No.)			5. CONTRACT REFERENCE		6. REQUIRING OFFICE
7. DD 250 REQ	9. DIST STATEMENT REQUIRED	10. FREQUENCY	12. DATE OF FIRST SUBMISSION		14. DISTRIBUTION a. ADDRESSEE b. COPIES Draft Final Reg Repro
8. APP CODE		11. AS OF DATE	13. DATE OF SUBSEQUENT SUBMISSION		
16. REMARKS					15. TOTAL →
G. PREPARED BY			H. DATE	I. APPROVED BY	
				J. DATE	

17. PRICE GROUP
18. ESTIMATED TOTAL PRICE

17. PRICE GROUP
18. ESTIMATED TOTAL PRICE

17. PRICE GROUP
18. ESTIMATED TOTAL PRICE

17. PRICE GROUP
18. ESTIMATED TOTAL PRICE

INSTRUCTIONS FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions.)

FOR GOVERNMENT PERSONNEL

- Item A.** Self-explanatory
- Item B.** Self-explanatory
- Item C.** Mark (X) appropriate category: TDP - Technical Data Package, TM - Technical Manual, Other - other category of data, such as "Provisioning," "Configuration Management", etc
- Item D.** Enter name of system/item being acquired that data will support
- Item E.** Self-explanatory (to be filled in after contract award)
- Item F.** Self-explanatory (to be filled in after contract award)
- Item G.** Signature of preparer of CDRL
- Item H.** Date CDRL was prepared
- Item I.** Signature of CDRL approval authority
- Item J.** Date CDRL was approved

Item 1. See DoD FAR Supplement Subpart 4.71 for proper numbering

Item 2. Enter title as it appears on data acquisition document cited in Item 4

Item 3. Enter subtitle of data item for further definition of data item (optional entry)

Item 4. Enter Data Item Description (DID) number, military specification number, or military standard number listed in DoD 5010.12-L (AMSDL), or one-time DID number, that defines data content and format requirements

Item 5. Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number)

Item 6. Enter technical office responsible for ensuring adequacy of the data item

Item 7. Specify requirement for inspection/acceptance of the data item by the Government

Item 8. Specify requirement for approval of a draft before preparation of the final data item

Item 9. For technical data, specify requirement for contractor to mark the appropriate distribution statement on the data (ref: DoDD 5230.24)

Item 10. Specify number of times data items are to be delivered

Item 11. Specify as-of date of data item, when applicable

Item 12. Specify when first submittal is required

Item 13. Specify when subsequent submittals are required, when applicable

Item 14. Enter addressees and number of draft/final copies to be delivered to each addressee. Explain reproducible copies in Item 16

Item 15. Enter total number of draft/final copies to be delivered

Item 16. Use for additional clarifying information for Items 1 through 15. Examples are: Tailoring of documents cited in Item 4; Clarification of submittal dates in Items 12 and 13; Explanation of reproducible copies in Item 14; Desired medium for delivery of the data item

FOR THE CONTRACTOR

Item 17. Specify appropriate price group from one of the following groups of effort in developing estimated prices for each data item listed on the DD Form 1423

a. Group I. Definition - Data which is not otherwise essential to the contractor's performance of the primary contracted effort (production, development, testing, and administration) but which is required by DD Form 1423

Estimated Price - Costs to be included under Group I are those applicable to preparing and assembling the data item in conformance with Government requirements, and the administration and other expenses related to reproducing and delivering such data items to the Government

b. Group II. Definition - Data which is essential to the performance of the primary contracted effort but the contractor is required to perform additional work to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, or quality of the data item

Estimated Price - Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirements, and the administrative and other expenses related to reproducing and delivering such data item to the Government

c. Group III. Definition - Data which the contractor must develop for his internal use in performance of the primary contracted effort and does not require any substantial change to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, and quality of the data item

Estimated Price - Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government

d. Group IV. Definition - Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government's mission

Estimated Price - Group IV items should normally be shown on the DD Form 1423 at no cost

Item 18. For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production or development for the Government of that item of data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if no data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract.

Form Approved
OMB No. 0704-0188

A. CONTRACT LINE ITEM NO.	B. EXHIBIT	C. CATEGORY:
001	A	TOP _____ TM _____ OTHER <u>MCCR</u>

D. SYSTEM/ITEM F-99 Controls Upgrade	E. CONTRACT / PR NO. D92-8000097A-920	F. CONTRACTOR XSOFT INC. (D9999)
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1. DATA ITEM NO.	2. TITLE OF DATA ITEM	3. SUBTITLE
01	Computer Software Flowchart	

4. AUTHORITY (Data Acquisition Document No) DI-MCCR-80491	5. CONTRACT REFERENCE SOW Para C.4.1	6. REQUIRING OFFICE AFMC/EN
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7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED	10. FREQUENCY ONE/P	12. DATE OF FIRST SUBMISSION See Blk 16	14. DISTRIBUTION
				B COPIES

B. APP CODE A	F	11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION See BTK 16	a ADDRESSEE	<table border="1"> <tr> <td rowspan="2">Draft</td> <td colspan="2">Final</td> </tr> <tr> <td>Reg</td> <td>Reg</td> </tr> </table>	Draft	Final		Reg	Reg
Draft	Final									
	Reg	Reg								

[illegible]

G. PREPARED BY	H. DATE	I. APPROVED BY	J. DATE
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17. PRICE GROUP

18.	ESTIMATED TOTAL PRICE
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INSTRUCTIONS FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions.)

FOR GOVERNMENT PERSONNEL

Item A. Self-explanatory.

Item B. Self-explanatory.

Item C. Mark (X) appropriate category: TDP - Technical Data Package; TM - Technical Manual; Other - other category of data, such as "Provisioning," "Configuration Management", etc.

Item D. Enter name of system/item being acquired that data will support.

Item E. Self-explanatory (to be filled in after contract award).

Item F. Self-explanatory (to be filled in after contract award).

Item G. Signature of preparer of CDRL.

Item H. Date CDRL was prepared.

Item I. Signature of CDRL approval authority.

Item J. Date CDRL was approved.

Item 1. See DoD FAR Supplement Subpart 4.71 for proper numbering.

Item 2. Enter title as it appears on data acquisition document cited in Item 4.

Item 3. Enter subtitle of data item for further definition of data item (optional entry).

Item 4. Enter Data Item Description (DID) number, military specification number, or military standard number listed in DoD 5010.12-L (AMSDL), or one-time DID number, that defines data content and format requirements.

Item 5. Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number).

Item 6. Enter technical office responsible for ensuring adequacy of the data item.

Item 7. Specify requirement for inspection/acceptance of the data item by the Government.

Item 8. Specify requirement for approval of a draft before preparation of the final data item.

Item 9. For technical data, specify requirement for contractor to mark the appropriate distribution statement on the data (ref. DoDD 5230 24).

Item 10. Specify number of times data items are to be delivered.

Item 11. Specify as-of date of data item, when applicable.

Item 12. Specify when first submittal is required.

Item 13. Specify when subsequent submittals are required, when applicable.

Item 14. Enter addressees and number of draft/final copies to be delivered to each addressee. Explain reproducible copies in Item 16.

Item 15. Enter total number of draft/final copies to be delivered.

Item 16. Use for additional/clarifying information for Items 1 through 15. Examples are: Tailoring of documents cited in Item 4; Clarification of submittal dates in Items 12 and 13; Explanation of reproducible copies in Item 14.; Desired medium for delivery of the data item.

FOR THE CONTRACTOR

Item 17. Specify appropriate price group from one of the following groups of effort in developing estimated prices for each data item listed on the DD Form 1423.

a. Group I. Definition - Data which is not otherwise essential to the contractor's performance of the primary contracted effort (production, development, testing, and administration) but which is required by DD Form 1423.

Estimated Price - Costs to be included under Group I are those applicable to preparing and assembling the data item in conformance with Government requirements, and the administration and other expenses related to reproducing and delivering such data items to the Government.

b. Group II. Definition - Data which is essential to the performance of the primary contracted effort but the contractor is required to perform additional work to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, or quality of the data item.

Estimated Price - Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirements, and the administrative and other expenses related to reproducing and delivering such data item to the Government.

c. Group III. Definition - Data which the contractor must develop for his internal use in performance of the primary contracted effort and does not require any substantial change to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, and quality of the data item.

Estimated Price - Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government.

d. Group IV. Definition - Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government is minimal.

Estimated Price - Group IV items should normally be shown on the DD Form 1423 at no cost.

Item 18. For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production or development for the Government of that item of data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if no data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract.

INSTRUCTIONS FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions)

FOR GOVERNMENT PERSONNEL

Item A. Self-explanatory

Item B. Self-explanatory

Item C. Mark (X) appropriate category: TDP - Technical Data Package; TM - Technical Manual; Other - other category of data, such as "Provisioning," "Configuration Management", etc

Item D. Enter name of system/item being acquired that data will support

Item E. Self-explanatory (to be filled in after contract award)

Item F. Self-explanatory (to be filled in after contract award)

Item G. Signature of preparer of CDRL

Item H. Date CDRL was prepared

Item I. Signature of CDRL approval authority

Item J. Date CDRL was approved

Item 1. See DoD FAR Supplement Subpart 4.71 for proper numbering

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Item 5. Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number)

Item 6. Enter technical office responsible for ensuring adequacy of the data item

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FOR THE CONTRACTOR

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b. Group II. Definition - Data which is essential to the performance of the primary contracted effort but the contractor is required to perform additional work to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, or quality of the data item

Estimated Price - Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirements, and the administrative and other expenses related to reproducing and delivering such data item to the Government

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Estimated Price - Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government

d. Group IV. Definition - Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government is minimal

Estimated Price - Group IV items should normally be shown on the DD Form 1423 at no cost

Item 18. For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production or development for the Government of that item of data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if no data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract

a. Detailed Block Information (Blocks A through J)

(1) Block A, "Contract Line Item No." (CLIN) - Enter the CLIN which is associated with the CDRL.

(2) Block B, "Exhibit" - Enter the contract exhibit letter assigned to the CDRL. (DFARS Subpart 204.7101 (reference (b) requires the DD Form 1423 to be a contract exhibit versus an attachment.

(3) Block C, "Category" - Check the appropriate block for the single category of data to be listed on the DD Form 1423. Types of data that comprise a TDP are defined in MIL-T-31000 (reference (m)), and types of DoD manuals included under the TM category are defined in Part 9, Section B, of DoD Instruction 5000.2 (reference (f)). Types of data in the "Other" category may be further sub categorized on a DD Form 1423 into single functional area assignments such as ADMN, CMAN, EDRS, etc. per the DoD 5010.12-L (reference (a)). (This block provides a convenient means of identifying and grouping individual data items in the same category, such as TDPs and TMs that require preparation of separate contract exhibits.)

(4) Block D, "System/Item" - Enter the system, item, project designator, or name of services being acquired that the data will support.

(5) Block E, "Contract/PR No." - Enter the contract or Purchase Request (PR) number when known; if unknown, enter the RFP number or other appropriate designator.

(6) Block F, "Contractor" - When known, enter the contractor's name. Following the name, the appropriate Commercial and Government Entity (CAGE) code may be inserted.

(7) Block G, "Prepared by" - Enter the name and signature of the CDRL preparer or the name of the activity responsible for preparation of the CDRL.

(8) Block H, "Date" - Enter the date the CDRL was prepared.

(9) Block I, "Approved by" - Enter the name and signature of the individual responsible for approving the CDRL.

(10) Block J, "Date" - Enter the date the CDRL was approved. (It is sound management practice to paginate, sign, and date each approved page of the CDRL package to ensure that no unauthorized pages have been added or previously approved pages have been changed. However, the specific method of CDRL package approval is the responsibility of each DoD Component.)

b. Detailed Block Information (Blocks 1 through 16)

(1) Block 1, "Data Item Number" - Enter the Exhibit Line Item Number (ELIN) per the DFARS Subpart 204.7105(c) reference (b)).

(2) Block 2, "Title of Data Item" - The title shall be identical to the title of the DID when cited in block 4. When Technical Manual Contract Requirements (TMCRs) are used to prescribe TM manual preparation requirements, or the DD Form 1423 is used to acquire weapon system TMs, the title of the specific type of TM being acquired shall be entered in block 2.

(3) Block 3, "Subtitle" - If the title in block 2 requires further identification, enter a subtitle.

(4) Block 4, "Authority" - (Data Acquisition Document Number) - Enter the DID number that provides the format and content requirements for the data item listed in

block 2. When the DD Form 1423 is used to acquire militarized TMs, the specific number of the applicable military specification or standard that provides the data preparation verification and validation instructions shall be entered in Block 4. If a TMCR document is used to acquire militarized TMs, enter "See TMCR_" and attach the TMCR to the CDRL. The TMCR must list the applicable military specifications or standards that provide the data preparation, verification, and validation instructions. It should be noted that DIDs DI-TMSS-80527 and DI-TMSS-80528 are the only authorized DIDs to be used when procuring commercial off-the-shelf (COTS) manuals. With the exception of a one-time DID, all DIDs cited in block 4 (or listed in the TMCR, when used) must have been cleared for listing in the AMSDL (5010.12-L, reference (a)).

(5) Block 5, "Contract Reference" - Enter the specific paragraph numbers of the SOW, specification, standard, or other applicable document that contains the tasking for generating the data requirement.

(6) Block 6, "Requiring Office" - Enter the technical office responsible for ensuring the adequacy of the data.

(7) Block 7, "DD 250 Requirement" - Enter the applicable code, designating the requirement for inspection and acceptance of the data item, as shown in the following list:

<u>DD Form 250 Code</u>	<u>Inspection</u>	<u>Acceptance</u>
SS	(1)	(2)
DD	(3)	(4)
SD	(1)	(4)

DS	(3)	(5)
LT	(6)	(7)
*NO	(8)	(8)
XX	(9)	(9)

(1) Inspection at source.

(2) Acceptance at source.

(3) No inspection performed at source. Final inspection performed at destination.

(4) Acceptance at destination.

(5) Acceptance at source. Acceptance based on written approval from the Contracting Officer.

(6) Letter of transmittal only. A letter of transmittal is not appropriate when an inspection of the data is required. The data is sent by the contractor directly to the activities listed in block 14 of the DD Form 1423. The LT is used when the contracting agency requires a record of delivery but does not desire to have a DD Form 250 for every piece of data developed by the contractor. The only other authorized use of the LT is the special case where the contracting agency does not desire to have separate DD Forms 250 but desires to have a Government QA representative perform inspection. The Government QA representative shall be listed on the distribution in block 14 and requested to provide comments via the QA letter of instruction. Also, when the local contract administration office (CAO) is required to perform inspection of a letter of transmittal, block 16 shall so indicate. In all cases where "LT" is used, a copy of the letter of transmittal should be provided to the CAO for information and appropriate use in administration of the contract.

(7) As specified in block 16 of the DD Form 1423.

(8) No inspection or acceptance required. No DD Form 250 or letter of transmittal required.

(9) Inspection and acceptance requirements specified elsewhere in the contract.

*Use of the symbol NO is not authorized for data comprising TDPs or TMs.

NOTE: For additional information on the inspection and acceptance of data refer to Chapter 6 herein.

(8) Block 8, "Approval Code" - Items of critical data requiring specific advanced written approval before distribution of the final data item should be identified by placing an "A" in this field. The responsible reviewing activity will normally be the Requiring Office listed in block 6. If that is not the case, the reviewing activity shall be identified as such in block 16. When the data item requires submission of a draft document prior to publication of a final document, block 16 of the DD Form 1423 shall show the length of time required for Government approval and/or disapproval and subsequent turn-around time for the contractor to resubmit the data after Government approval and/or disapproval has been issued. Those response times are contractual commitments and if the Government or contractor cannot meet those commitments, each is obligated to notify the other of the revised length of time required to respond. Block 16 will also indicate the extent of the approval requirements, e.g., approval of technical content and/or format. If approval of the data item is not required, insert "N/A" (not applicable) in block 8.

(9) Block 9, "Distribution Statement Required" - Enter the code letter ("A", "B", "C", "D", "E", "F", or "X") corresponding to the distribution statement to be marked on

the technical data item by the contractor, in accordance with DoD Directive 5230.24 (reference (c)) and the guidance in Chapter 4 of this manual. If the appropriate statement is not known, or if it may vary among specification submissions of the data item, enter "See Block 16" and indicate in block 16 that a distribution statement is required and will be provided by the Government before delivery of the data.

(10) Block 10, "Frequency" - The following is a list of typical codes used to specify frequency of submittals. All other codes used that are not on this list should be defined in block 16 or in a supplemental section of the CDRL package as discussed in C.2 above.

ANNLY	Annually
ASGEN	As generated*
ASREQ	As required*
BI-MO	Every 2 months
BI-WE	Every 2 weeks
DAILY	Daily
DFDEL	Deferred Delivery
MTHLY	Monthly
ONE/P	One Preliminary
ONE/R	One time with revisions
QRTLY	Quarterly
R/ASR	Revision as required*

SEMIA	Every 6 months
WEKLY	Weekly
XTIME	Number of times to be submitted (1 TIME, 2 TIMES, 9 TIMES, etc)**

*Use of these codes requires further explanation in block 16 to provide the contractor with guidance necessary to accurately price the deliverable data item.

**A number must be inserted in place of the "X".

(11) Block 11, "As of Date" - If the data is to be submitted only once, enter the "As of Date" (cut-off date) as follows: year/month/day (e.g., "92Mar10"). This is the date for cutting off collection of the data. If the data is to be submitted multiple times, enter a number to indicate the number of calendar days before the end of the reporting period, established in block 10, that data collection will be cut off. For example, "15" would place the "As of Date" for the data at 15 days before the end of the month, quarter or year depending on the frequency established in Block 10 (e.g., report for May should reflect information collected through 16 May). An "O" would place the "As of" date at the end of each month, quarter, or year, etc. Block 16 may be used for further explanation. If an "As of Date" is not applicable, enter "N/A" in block 11.

(12) Block 12, "Date of First Submission" - Enter the initial submission date as follows: year/month/day (e.g., "90Mar10"). If submittal is constrained by a specific event or milestone, enter that constraint. If the contract start date is not known, indicate the number of calendar days after contract (DAC) start that the data is due (e.g., "90 DAC"). Do not insert classified dates. Typical abbreviations in block 12 are:

ASGEN	As generated*
ASREQ	As required*
XXDAC	Days after contract start**
DFDEL	Deferred Delivery*
EOC	End of contract
EOM	End of month
EOQ	End of quarter
XDACM	Days after contract modification**
XDARP	Days after reporting period**
XDARC	Days after receipt of comments**
XDATC	Days after test completion**
XDPTT	Days before to test**
XDARC	Days after receipt of comments**
XDARP	Days after reporting period**
XDADO	Days after delivery order**

*Provide specific instructions for these requirements in block 16.

**A number must be inserted in place of the "X".

(13) Block 13, "Date of Subsequent Submission"

- If data is submitted more than once, enter the date(s) of subsequent submission(s). If submittal is constrained by a specific event or milestone, explain this constraint in block 16. Do not insert classified dates.

(14) Block 14, "Distribution" - Enter the addressees and the corresponding number of draft copies and final copies (regular and/or reproducible) to be provided to each. The first addressee is normally the requiring office code shown in block 6. If the acceptance activity for the data item is different than the requiring office, and acceptance of the data item is by DD Form 250 to be accomplished at the destination, then the code for the acceptance activity will be placed as the first entry in block 14. Do not insert classified locations. Block 14 will provide for the following particulars:

(a) The DoD component designator and office symbols and/or codes, or unit identification codes (UICs) may be used in block 14a; however, an explanation of these must be provided in the supplemental section of the CDRL package as discussed in C.2. of this chapter, or in block 16 with a reference to block 14. The former approach is recommended for CDRL packages with more than 10 CDRL items.

(b) In block 14b, insert the specific number and type of copies to be delivered to each addressee in each of the available three columns. Unused columns adjacent to each addressee will have either an "N/A" or number "0" entered.

(c) When the data items requires advance written approval (indicated by an "A" in block 8), draft copies are required for approval before publication of the final document. Enter draft quantities in block 14b and

an explanation in block 16 (e.g., "Submit draft for approval 90 DAC award. Submit final copies 30 days after Government approval of the draft.") It should be noted that unless otherwise indicated on the DD Form 1423, all addressees listed in block 14 will receive both draft and final documents.

(d) Include digital media details and constraints (when appropriate), such as source document requirements of tape density per inch, tape size, record and header formats, file headers, files constructs, and target system environment (such as DEC VAX 6000 series environment). (See reference (h), MIL-HDBK-59, for guidance).

(e) Include non-digital media details and constraints, such as source document requirements (e.g., MIL-D-5840 or MIL-M-38761/1) type and class of microfilm, paper, vellum, etc., as necessary to fully describe media constraints. (NOTE: Do not confuse "reproducible" with the term "reproduced." Reproducible copies are master/first generation documents capable of making successive generations of high quality resolution copies. Reproduced copies are subsequent generation copies of lower resolution made from the first generation masters.)

(f) If the data is not actually to be delivered to the Government or associated contractors, or if deferred delivery is required, so indicate by placed "DFDEL" in this block and provide disposition instructions in block 16. Additional guidance on deferred ordering or delivery of data is in paragraph E. of this chapter. Procedures for distribution to classified locations should be coordinated among the user, acquisition agent, and applicable data managers.

(15) Block 15, "Total" - Enter the total number of draft and final (regular and reproducible) copies

required by block 14. For digital media, enter the total number of copies required by block 14.

(16) Block 16, "Remarks" - This block shall be used to provide additional or clarifying information for blocks 1 through 15, e.g., clarification relative to distribution statements, DID tailoring requirements, use of contractor format, and distribution of the data. When on-line access or digital delivery is required for the data item, relevant requirements are to be included in Block 16, e.g., references to the appropriate CALS standardization documents. (See reference (h), MIL-HDBK-59, for guidance.)

c. Detailed Block Information (Blocks 17 and 18). These blocks are to be completed by the bidder or offeror, as required by the following:

(1) Block 17, "Price Group" - Enter the appropriate price group as shown on the reverse side of the DD Form 1423.

(2) Block 18, "Estimated Total Price" - Enter the total estimated price equal to that portion of the total price that is estimated to be attributable to the design, development, production or reproduction for the Government of item of data. The entry "N/C" for "no charge" is acceptable. DFARS Subpart 204.7105-3 (reference (b)) provides specific guidance for entering the negotiated price for separately priced or "Not Separately Priced (NSP)" data on the DD Form 1423 or in the contract. Also provided is guidance on when to detach, or leave attached, blocks 17 and 18 of the DD Form 1423. Chapter 5 of this Manual provides additional information in completing and evaluating blocks 17 and 18 of the DD Form 1423.

4. Procedures for Managing DD Form 1423 Data

a. An organizational element shall be assigned responsibility for monitoring the distribution of contractor-prepared data. Specifically, procedures shall be established to ascertain actual receipt of the data and to ensure that all contractual requirements relative to technical data have been met. Data managers and data management activities should be informed of the estimated prices for the data they have requested before contract award, including contractor responses that suggest the data are not separately priced.

b. The DoD Components shall enlist the support of the Defense Contract Management Command (DCMC) to assist in the management of CDRL data. Close coordination is necessary to evaluate the following:

- (1) The application of restrictive legends.
- (2) Prenotification of data rights.
- (3) The estimated and negotiated price of data.

(4) The adequacy of data and to inspect and/or accept data acquired under contract provisions. Working agreements may be formulated and implemented to permit the DCMC to report data discrepancies to the DoD Components and to take other actions to provide support and assistance to the contracting activities of the DoD Components.

c. Data management personnel shall participate in precontract technical reviews of all data requirements, assist contracting activities in negotiating contracts containing data requirements, and participate in contract management reviews of contracts containing data requirements.

d. Management procedures shall be established by each DoD Component to coordinate and unify the efforts of their functional organizations in the preparation, review, and procurement of contract data requirements and to assist in the receipt, tracking, and use of data acquired under contract.

D. LINE-ITEM NUMBERING OF DATA

1. Separate contract line items shall be established in the contract for TDP, as defined in MIL-T-31000 (reference (m)), and for TMs, as defined in Part 9, Section B, of DoD Instruction 5000.2 (reference (f)). A contract line item for "other" data requirements (with the exception of data specifically required by any contract clause of the FAR Subpart 52.2 or the DFARS, Subpart 252.2 (references (j) and (b)), or specifically excepted by Subpart 227.405-70 of reference (b) shall be established as applicable to the specific acquisition. Criteria governing the line item numbering of supplies and services can be found in Subpart 204.71 of reference (b).

2. TDPs. Separate DD Forms 1423, identified as exhibits to the contract, shall be used in conjunction with the contract line item for TDPs. The CDRLs shall list all data comprising the TDP through the itemizing of approved DIDs, and shall include delivery schedules for each. Additional selection and ordering guidance for a TDP is provided in Appendix A of MIL-T-31000 (reference (m)). Figure 3-4 is an example of a TDP contract line item.

ITEM NO.	SUPPLIES/SERVICES	QTY	UNIT	PRICE	AMOUNT
0002	Tech.Data Package (TDP) for CLIN 0001 in accordance with	1	EA	\$XXXXXX*	\$XXXXXX*

Exhibit A.

*Provided by offerors responding to a solicitation; final contract amounts inserted by contracting officer.

Figure 3-4. Sample Contract Line Item Numbering of a TDP

3. TMs. Separate DD Forms 1423, identified as an exhibit to the contract, shall be used in conjunction with the contract line item for TMs. The DD Form 1423 shall list all TMs through the identification of applicable approved military standards and specifications containing TM format and content requirements, and shall include delivery instructions for each. (See paragraph C.3.b(4) of this chapter for instructions when a TMCR is used.) For convenience, the DD Forms 1423 for TMs may be grouped together in one contract exhibit, or separate contract exhibits may be established for each TM listed on a DD Form 1423. In either case a separate price for each DD Form 1423 should be in the exhibit or on the DD Form 1423. Figures 3-5 and 3-6 are examples of TM contract line items.

ITEM NO.	SUPPLIES/SERVICES	QTY	UNIT	PRICE	AMOUNT
0003	Tech.Manuals for approved equipment nomenclature, CLIN 0001, in accordance with Exhibit B.	1	EA	\$XXXXXX*	\$XXXXXX*

*Provided by offerors responding to a solicitation; final contract amounts inserted by the contracting officer.

Figure 3-5. Sample Contract Line Item Ordering of TMs When All TMs Are Included in One Contract Exhibit.

ITEM NO.	SUPPLIES/SERVICES	QTY	UNIT	PRICE	AMOUNT
0003	Operator's Tech.	1	EA	\$XXXXXX*	\$XXXXXX*

Manuals for (enter
approved equipment
nomenclature), CLIN 0001,
in accordance with Exhibit B.

*Provided by offerors responding to a solicitation; final contract amounts inserted by the contracting officer.

Figure 3-6. Sample Contract Line Item Numbering of TMs When Each TM is Listed on a Separate Contract Exhibit.

4. Other Data. Separate DD Forms 1423, grouped together as an exhibit to the contract, shall be used in conjunction with the contract line item(s) for all "other" data requirements. The DD Form 1423 shall list all data through itemizing of approved DIDs, and shall include delivery schedules for each. Figure 3-7 is an example of a contract line item for "other" data.

ITEM NO.	SUPPLIES/SERVICES	QTY	UNIT	PRICE	AMOUNT
0005	Data Requirements for CLIN 0001 in accordance with Exhibit D.	1	EA	\$XXXXXX*	\$XXXXXX*

*Provided by offerors responding to a solicitation; final contract amounts inserted by the contracting officer.

Figure 3-7. Sample Contract Line Item Numbering of Other Data Requirements.

5. Greater Rights. If the Government needs technical data pertaining to items developed at private expense to establish alternative sources it may, under certain circumstances, acquire greater rights in data. The DFARS Subpart 227.402-72 (reference (b), which sets forth the procedures to acquire greater rights, requires the acquisition of greater rights be stated as a separate contract line item. Figure 3-8 is an example of a contract

line item for greater rights (unlimited rights in this example) in the TDP referred to in Figure 3-4.

ITEM NO.	SUPPLIES/SERVICES	QTY	UNIT	PRICE	AMOUNT
0006	Unlimited Rights in Technical Data Package of CLIN 0002	XXXX	XXX	\$XXXX*	\$XXXXX*

*Provided by offerors responding to a solicitation; final contact amounts inserted by the contracting officer

Figure 3-8. Sample Contract Line Item Numbering of Greater Rights in Technical Data.

E. DEFERRED DATA ACQUISITION TECHNIQUES

1. Deferred Ordering. Deferred ordering is a technique for delaying the ordering of data generated in the performance of the contract until the Government determines what data is actually needed and when it is needed. The technique should normally be used when, during the solicitation and negotiation stages, there is an indication certain data may be needed, but further information will be required before specific requirements can be identified or until the product stabilizes to the extent accurate requirements can be specified. This technique ensures the availability of the raw data while avoiding the cost of buying the data, if the need never arises. The right to deferred ordering is obtained by including the clause found at Subpart 252.227-7027 of the DFARS (reference (b)) in solicitations and contracts. That clause allows the Government to order any data generated in the performance of the contract or related subcontract, at any time during the performance of the contract or within three years after acceptance of all items (other than technical data or computer software) to be delivered under the contract or the termination of the contract whichever is later. The supplemental section of the CDRL should contain a general

statement as to the type of data will be subject to the deferred ordering clause. The contractor is compensated when the data is delivered and accepted. The contractor is compensated only for the cost of converting the technical data or software into the required format and for reproduction and delivery, since the cost of developing these items was included in the cost of the work to perform the tasks generated these items.

2. Deferred Delivery. Deferred delivery of data is a technique for delaying delivery of data until the Government determines when the data should be delivered. The technique is normally used when, during the solicitation and negotiation stages, the specific requirements for the data can be determined, but the time or place of delivery is not certain. Deferred delivery is also a means of postponing the delivery of data until the design of the related item has stabilized. Obviously, the later the contractor assembles a data package for delivery, the more up-to-date it will be. The right to deferred delivery is obtained by including the clause found at Subpart 252.227-7026 of the DFARS (reference (b), in solicitations and contracts. That clause allows the Government to require, any time during the performance of the contract, within 2 years after either acceptance of all items (other than data or computer software) to be delivered under the contract, or termination of the contract, whichever is later, the delivery of any data identified in the contract for "deferred delivery." The data requirements shall be listed on the CDRL, with the time and/or place of delivery indicated as "deferred" but the cost of the data shall be negotiated before contract award, along with those CDRL items which are not deferred delivery.

F. WARRANTIES OF TECHNICAL DATA

A warranty of technical data should be obtained whenever practicable and cost effective. Guidance for obtaining

warranties of technical data is contained in Subpart 246.708
of reference (b).

CHAPTER 4

DISTRIBUTION STATEMENTS ON TECHNICAL DATAA. GENERAL

In accordance with Section 130 of Title 10, United States Code (reference (e)), a DoD distribution marking system for technical data has been established by DoD Directive 5230.24 and MIL-STD-1806 (references (c) and (n)). Based on the technical content of the data, one of seven distribution statements defined in (reference (c)) is to be applied to indicate the extent of secondary distribution that is permissible without further authorization or approval of the controlling DoD office. The intent of the system is to stem the flow of military-related technical data to our adversaries, without inhibiting technological growth or blocking the exchange of technical data that is vital to progress and innovation. Properly applied, the system will keep critical technology from our adversaries but permit it to flow to Government Agencies and private organizations that have legitimate need for it. Chapter 7 of this Manual contains guidance on criteria which restricts or permits the release of data.

B. EXPORT-CONTROL WARNING NOTICE

Besides a distribution statement, the marking system also requires the use of a warning notice on all documents that contain export-controlled technical data. That notice may be used in conjunction with any of the six limited distribution statements ("B", "C", "D", "E", "F" and "X"). Statement A, which authorizes public release, cannot be used in conjunction with the export-control warning notice. Exact wording of the notice should be in accordance with reference (r)). Procedures for dissemination of this technical data outside of the U. S. Government are contained in DoD Directive 5230.25 (reference (o)).

C. MARKING REQUIREMENTS

1. Distribution statement markings are mandatory for all newly generated technical data. DoD managers of technical programs shall assign distribution statements to all technical data generated in their programs before primary distribution. That requirement does not apply to contractors' technical proposals or similar documents submitted in anticipation of contract awards.

2. There is no requirement to mark existing technical data held in the files unless a request is received for a copy of the data, or it is otherwise activated. In that case, the controlling DoD office shall determine releasability in accordance with DoD Directive 5230.24 . DoD Directive 5230.25, and DoD 5400.7-R (references (c), (o), and (p)).

3. Each revision shall be considered new technical data to be reviewed and marked appropriately. Whether or not previous versions of that data have been publicly released shall not be the determining factor in the dissemination determination.

4. The seven authorized distribution statements provide options ranging from unlimited distribution to no secondary distribution without specific authority of the controlling DoD office. The authority to withhold unclassified technical data from the public is found in Section 130 of Title 10, United States Code (reference (e)) as implemented by DoD Directive 5230.25 (reference (o)). Distribution statements can be applied to technical data that contain or reveal proprietary information, foreign government information, contractor performance evaluations, technical or operational information used solely for official administrative or operational purposes, critical technology, information not appropriate for premature dissemination because it pertains to systems or hardware in the

developmental or conceptual stage, or export-controlled data.

5. Although six of the seven statements indicate that public disclosure may be inappropriate, data managers and other DoD personnel should be aware that distribution statements are not in themselves authority to withhold unclassified technical data from public disclosure. Such determinations shall be made, in accordance with DoD Directive 5400.7 (reference (q)). Refer to Chapter 7 of this Manual for procedures on release of technical data to the public.

6. MIL-STD-1806 (reference (n)) provides specific procedures for selection and placement of the seven authorized statements. MIL-STD-961 and MIL-STD-962 (references (r) and (s)) provide that same information for military specifications, standards, and handbooks, respectively.

D. RESPONSIBILITY FOR MARKING

1. It is the responsibility of the controlling DoD office to select the correct distribution statement and to ensure that the corresponding code letter ("A", "B", "C", "D", "E", "F", or "X") is in block 9 of the DD Form 1423 or that block 16 of the DD Form 1423 contains instructions on application of the correct distribution statement before initial distribution of the technical data. Frequently, it is not possible to determine the correct statement at the time the DD Form 1423 is prepared, and often, the contractor may be in a better position to recommend the correct statement. In those cases, the controlling DoD office and the contractor may negotiate the correct statement at one of the scheduled program audits or reviews. In any event, the controlling DoD office shall ensure that the technical data is correctly marked before initial distribution.

2. The controlling DoD office should coordinate the distribution statement requirements with appropriate legal counsel, foreign disclosure, and security personnel with respect to the statutory and regulatory requirements governing the export or other dissemination of technical data.

3. In the case of joint sponsorship of technical data, the controlling DoD office is determined by advance agreement and may be a party, a group, or a committee representing the interested activity or component.

E. DESTRUCTION AND HANDLING

All unclassified technical data marked with distribution statements "B", "C", "D", "E", "F", or "X" may be handled and destroyed as "For Official Use Only" (FOUO) documents, as described in DoD 5400.7-R (reference (p)). Classified, limited technical data shall be handled and destroyed in accordance with the procedures of Chapter IX of DoD 5200.1-R (reference (t)).

F. CHANGES TO MARKINGS

Controlling DoD offices shall notify the proper technical data dissemination facilities; e.g., repositories, when the controlling DoD office is redesignated, the office address is changed, or the markings or statements are changed.

CHAPTER 5

PRICING OF DATAA. GENERAL

1. The estimated price of each requirement for technical data to be included in a contract solicitation shall be either developed by the requiring DoD Component or obtained from potential contractors. Such price estimates shall be used in making initial decisions and judgments as to whether or not the requirement for technical data should be included in the contract. The accuracy of the price estimates should be determined by or related to the importance of the data products to management in making decisions. In some cases, contractors' estimated prices may not reflect all costs; and different contractors may reflect costs in various ways due to differences in business practices, differences in accounting systems, use of factors or rates on some portions of the data, application of common effort to two or more data items, or differences in data preparation methods. For these and other reasons, estimated data prices should not be used for contract pricing purposes without further cost/benefit analysis. Subsequent to proposal receipt, reviews shall be made by the DoD Component acquisition activity to validate costs and the continued need for the technical data requirements.

2. Acquiring technical data at a fair and reasonable price is the goal of all involved in the contracting process. In achieving that goal, it is good management practice to ensure that prospective contractors and the Government have a mutual understanding of the technical data requirements, especially complex digital data products and services, to be contractually provided. That mutual understanding begins with a concise description of all technical data requirements generated by tasks in the statement of work and may be enhanced by Government and

prospective contractor discussions at bidders conferences. Also, to achieve this goal, contracting officers, program managers, and technical data management personnel are encouraged to require contractors to separately price each requirement for technical data. The Armed Services Pricing Manual (ASPM) (reference (u)) provides procedures for pricing technical data requirements. Also, when the acquisition of greater rights in technical data is a factor, the contract must contain a separate line item for these rights as required by Subpart 227.402-72 of reference (b) (Refer to Figure 3-8 for a sample of contract line-item numbering of greater rights in technical data).

B. OVER-AND-ABOVE CONCEPT FOR PRICING

1. The contractor will have to prepare certain data as a natural consequence of contract performance. Design, development, testing, and production tasks will generate certain data, whether or not a requirement is identified in a DD Form 1423 and delivery is requested. This factor is the basis for what is called the "over and above concept" for pricing data; the price paid for a data item will be based on what it costs the contractor to furnish that item, over and above the costs the contractor would incur if it were not required at all. To implement the over and above concept of data pricing, four price groups have been developed. These price groups are summarized in subsection C.3. below, of this Chapter and provided in greater detail in Chapter 9.5. of the Armed Services Pricing Manual (reference (u)).

2. The contractor's method of pricing should include costs for providing contract technical data management. Where applicable, these costs could include costs for digital data or CALS management functions, management support of Government reviews and audits of technical data products, and management of separate or integrated data base systems.

C. PRICING BY CDRL DATA ITEM

1. The DFARS Subpart 215.873 (reference (b)) requires the use of DD Form 1423 in solicitations when the contract will require delivery of data. The DD Form 1423, when made a part of the solicitation, shall include every known and anticipated data requirement. The offerors are asked to provide a price estimate for each technical data requirement. If the price estimates appear unreasonable, the offeror may not understand the technical data requirements. After a solicitation has been released, the source selection procedures in effect for a particular procurement must be followed strictly to protect the integrity of the procurement process. Therefore, contact the contracting officer for guidance if there is reason to believe that the offerors have not understood the technical data requirements, before making a decision to delete or retain the data requirement. The requiring activity uses the price estimates to decide whether is need for the data is worth the dollars the data will cost. If the activity concludes that it still needs and can afford the data, the requirement stays on the list; if it concludes that the price may be too high, it modifies or deletes the requirement. The amended list is then made a part of the contract.

2. Data price estimating is much the same as any other pricing action. When the contract is negotiated, the total price of the contract line item for data will be supported by cost or pricing data. The data will be submitted as a package, analyzed, and the prices negotiated. Some of the prime considerations that should govern the price estimating of data items on the DD Form 1423 are as follows:

a. The price estimates entered on the DD Form 1423 should reflect the total cost of providing the data including those costs associated with the development, access, and delivery of digital data, in accordance with CALS requirements.

b. The contractor should submit the cost or pricing data supporting the price estimates in accordance with the submission requirements contained in the DFARS Subpart 215.804 (reference (b)).

c. The concept of materiality, defined in the Armed Services Pricing Manual (reference (u)), should be applied at all points in the estimating-analyzing-negotiating-cost tracking cycle; the probable benefit should be worth the effort.

d. There should be as much concern with unit price integrity in pricing data items as there is in pricing spare parts. Also, attention should be paid to the total price negotiation technique in pricing data items, as is used in the negotiation of multi-line contracts, when other factors make it necessary to negotiate on the total contract price rather than on an item basis.

e. All Government and industry people involved in the price estimating process need to agree that the goals in this process are reasonably accurate costs and realistic prices, rather than precise and detailed accounting.

3. For each data item listed on the DD Form 1423, the contractor will specify one of the following price groups:

a. GROUP I. Data that the contractor prepares to satisfy the Government's requirements. The contractor does not need this type of data to perform the rest of the contract. Price would be based on identifiable direct costs, overhead, general and administrative (G&A), and profit.

b. GROUP II. Data essential to contract performance which must be reworked or amended to conform to Government requirements. The price for data in this group would be based on the direct cost to convert the original

data to meet Government needs and to deliver it, plus allocable overhead, G&A, and profit.

c. GROUP III. Data that the contractor must develop for the contractor's use and that requires no substantial change to conform to Government requirements on depth of content, format, frequency of submittal, preparation, and quality of data. Only the costs of reproducing, handling and delivery, plus overhead, G&A , and profit, are considered in pricing data in this group.

d. GROUP IV. Data that the contractor has developed as part of the contractor's commercial business. Not much of this data is required and the cost is insignificant. The item should normally be coded "no charge." An example is a brochure or brief manual developed for commercial application which will be acquired in small quantities, and the added cost is too small to justify the expense of computing the charge that otherwise would go with the acquisition.

D. RETENTION OF COST ANALYSIS RECORDS AND CDRL PRICE ESTIMATE INFORMATION

Cost analysis records and CDRL price estimate information should be maintained by the project office for the following purposes:

1. Developing data costs on follow-on acquisitions.
2. Developing estimated data costs on new acquisitions.
3. Determining cost versus need of data.
4. Identifying cost drivers.

CHAPTER 6

INSPECTION AND ACCEPTANCE OF DATAA. GENERAL

1. Data delivered by DoD contractors is made up of many forms of recorded information. This information consists of products such as drawings, plans, reports, specifications, digital data bases, and computer software documentation. All DoD activities are responsible for ensuring that the data ordered and paid for under a DoD contract is actually received and available when needed. Therefore, DoD activities must have procedures for technical validation, inspection and acceptance of this data and must implement these procedures using technically qualified personnel and equipment appropriate for the task.

2. The FAR (reference (j)) requires that DoD acquire equipment and supplies, when possible, through competitive procurement. To meet these requirements, the Government must develop and maintain adequate data to permit effective competitive procurement. Government design activities generally develop and maintain data to support their system design, and are in the best position to produce timely, reliable procurement data packages to satisfy Government needs. However, when the Government acquires procurement data from contractor design activities, the Government must review the data received to ensure that it is complete, accurate, and adequate for its intended use. The QA requirements of the DFARS, Subpart 246 (reference (b)) apply to data products as well as to hardware products and services acquired by the Government. As described, both the Government and its contractors have responsibilities for inspecting data during its preparation, as appropriate, and for ensuring its acceptability in its final form.

B. CONTRACTOR RESPONSIBILITIES

The contractor is responsible for establishing and maintaining effective procedures for implementing and maintaining quality control of data consistent with the complexity of the data requirements and the provisions of the contract.

1. QA Functions. Normally, each contractor has an established quality system in place for ensuring quality products. The quality system is usually based on requirements such as MIL-I-45208, MIL-Q-9858, DoD-STD-2168, MIL-T-31000 (references (v), (w), (x), (m)) or a commercial equivalent. When these requirements are imposed contractually, the QA functions listed below summarize some of the key requirements for an acceptable quality system.

a. The contractor should provide and maintain a quality system that will ensure that all data submitted to the Government for acceptance is technically correct and conforms to contract requirements. Statistical process control techniques should be included as an integral part of the contractor's quality system in consonance with total quality management. These techniques should be used as a means of fostering continuous process improvement and to provide information on which to make decisions about corrective action and change procedures. This requirement applies to data procured from subcontractors or vendors, as well as the data generated or processed by the prime contractor.

b. The contractor should perform or have performed the inspections and tests required to substantiate the quality of the data throughout all areas of contract performance, e.g., generation, validation, packaging, and delivery.

c. The contractor's quality system procedures should be made available for review by the Government before

starting data preparation and throughout the life of the contract. The quality system should be prescribed by clear, complete, and current instructions and include criteria for approval and rejection of data.

d. Personnel performing quality functions shall have well-defined responsibilities, sufficient authority, and the organizational freedom to evaluate data quality and identify problems, and to start, recommend, or direct corrective action.

e. The contractor's management activity should review the status and adequacy of the quality system and the quality program regularly to ensure that correct technical data is being generated and delivered to the Government. This management review should also ensure full compliance with specific contract requirements especially in the area of rights-in-data, both proprietary and other.

f. The contractor's quality program requirements should ensure compliance with procedures governing the preparation, marking and control of technical data in accordance with contract requirements.

2. Corrective Action Procedures. The contractor should take prompt action to correct conditions that have resulted, or could result, in data being submitted to the Government that is not in conformance with contractual requirements. Corrective action should include, as a minimum:

a. Review of existing records indicating the types and number of inspections made, the types and number of deficiencies found, items of data rejected, the corrective actions taken, and the quantities of data items approved.

b. Review and revision, where necessary, of existing procedures for conducting follow-up actions to monitor the effectiveness of corrective actions to prevent the recurrence of discrepancies.

3. "Certification of Technical Data Conformity". The contractor should complete the "Certification of Technical Data Conformity" when the DFARS, Subpart 252.227-7036 (reference (b)) is required by contract and identify, by name and title, each individual authorized by the contractor to certify in writing that the technical data is complete, accurate, and complies with all requirements of the contract. The authorized individual should be familiar with the contractor's technical data conformity procedures and their application to the technical data to be certified and delivered.

C. GOVERNMENT RESPONSIBILITIES AND FUNCTIONS

1. The Government is responsible for administering all acquisition contracts. This function is accomplished in the Department of Defense by the DCMC. Contract administration automatically carries with it the authority to perform all of the normal functions of a CAO as listed in the FAR, Subpart 42 (reference (J)). Some of the functions related to data acquisition that the CAO performs are as follows:

a. Ensuring that the contractor complies with contractual QA and warranty requirements.

b. Maintaining surveillance of contractor engineering efforts and management systems including those that relate to data control systems.

c. Evaluating these engineering efforts and management systems for adequacy.

d. Evaluating and monitoring the contractor's procedures for complying with contract requirements regarding restrictive markings on data.

e. Ensuring submission of required reports.

f. Reporting to the PCO any inadequacies noted in the contractor's performance of the contract, including its requirements for technical data.

2. Government personnel responsible for the inspection and acceptance of technical data on all acquisition contracts should be aware of the following:

a. Acceptability of technical data delivered under a contract should be in accordance with the appropriate contract clause and the DD Form 1423. The "Certification of Technical Data Conformity," clause at DFARS, Subpart 252.227-7036 (reference (b)), should be included in solicitations and contracts which include Subpart 252.227.7031 of reference (b). Note that the "Certificate of Conformance" found in the FAR, Subpart 52.246-15 (reference (j)), is not a substitute for the "Certification of Technical Data Conformity." Rather, it is used when authorized in writing by the contracting officer and allows the contractor to ship supplies for which the contract would otherwise require inspection at the source.

3. The DoD Components are responsible for ensuring that a prompt review and approval or rejection of submitted data is provided, that contract data items requiring preparation of a DD Form 250 have been inspected and accepted and that all deliverable data items meet contract requirements. Guidelines for inspecting and accepting deliverable data items are provided in sub-parts 42.3, 46.4, and 46.5 of reference (j) and Subpart 246 of reference (b).

4. Data managers should consult with the contracting office to determine if a particular procurement of

commercial items, commercial computer software, or commercial computer software will be made under the procedures in Subpart 211 of reference (b). When this is the case, those procedures have precedence over other procedures and clauses in references (b) and (j). The procedures under Subpart 211 of reference (b) affect the Government's data inspection and acceptance functions.

D. TYPES OF DATA REQUIRING INSPECTION AND ACCEPTANCE

1. Specific inspection and acceptance criteria for contract data items are provided in block 7. of the DD Form 1423. Government inspection and acceptance is required for TMs, TDP elements, and other data which will be used by DoD Component personnel for the installation, operation or maintenance of equipment or software. Some of the factors to be considered in the inspection and acceptance of this data are the following:

a. TMs.

(1) The Department of Defense requires both military and commercial TMs, using two different acquisition strategies. TMs that support items designed and manufactured predominately for military purposes are procured using a DD Form 1423, which lists the applicable specifications and standards that provide the required data preparation, validation, and verification instructions, or refers to an attached TMCR document, which provides all required instructions. The TMs that support items designed and manufactured to commercial specifications are first evaluated to the requirements of MIL-M-7298 (reference (y)) to determine the suitability of the TM for use in a military environment. Based on this evaluation, commercial TMs are procured using a DD Form 1423 and the appropriate DIDs listed in reference (y). When procuring military or commercial TMs, the program manager, with assistance from appropriate technical personnel, is responsible for selecting the specifications, standards, or DIDs to be

applied under the terms of the contract. If a commercial TM is being acquired under the procedures in the DFARS, Subpart 211 (reference (b)), in-process inspection of the TM may not be permitted.

(2) Part 9 of DoD Directive 5000.2 (reference (f)) requires that TMs be validated for accuracy, comprehensibility, completeness and for operational usability against the related equipment or system by the contractor. Validation is conducted at the contractor's facility or at the operational site and, unless otherwise agreed on by the DoD Component, involves the hands-on performance of operating and maintenance procedures including checkout, calibration, alignment, and scheduled removal and installation instructions. The contractor validation will be witnessed by the DoD Component representative unless, under unusual circumstances, validation by other means is agreed on by the DoD Component. The DoD Component will verify operational suitability against the production version of the equipment or system. Contract requirements must define the contractor's and DoD Component responsibility in the validation and verification schedule.

(3) Besides validation and verification, TMs should be subjected to in-process reviews and acceptance. During the preparation of the TM, the DoD Component conducts in-process reviews to provide guidance to the contractor, ensures that the TMs conform to contract requirements, and review the validation and verification plan schedule. Due to interdependent relationships between critical data products, coordination of the DoD TM and TDP review and acceptance activities should be accomplished. In-process reviews may be conducted at the contractor's facility or at the subcontractor's or other source facility while the TM is being developed and before the contractor prepares the final version.

(4) Procedures shall be established to apply configuration control to TMs to ensure that timely issuance of changes and revisions reflect engineering changes, that new instructions resulting from equipment and system modifications are issued concurrently, and that illustrated parts list used in repair procedures are updated.

b. TDPs.

(1) The Department of Defense currently requires that TDPs conform to the requirements of MIL-T-31000 (reference (p)).

(2) Inspection and acceptance of the TDP elements shall be subjected to Government reviews in accordance with Part 9, Section B, of DoD Directive 5000.2 (reference (f)). Basic procedures for inspecting and accepting TDP's are provided in section E., below, of this Chapter.

E. PROCEDURES FOR INSPECTING AND ACCEPTING TDPs.

1. The process of inspecting and accepting TDPs shall be a systematic series of actions beginning at contract inception and ending with the acceptance of the TDP by an authorized Government representative. The principal phases of this process are contractor indoctrination, in-process reviews, audits, final reviews, technical approval, and inspection, and acceptance or rejection. These phases should include initiation of contractual enforcement actions for nonperformances or lack of progress where appropriate.

a. Contractor Indoctrination. Before the contractor begins developing data; i.e., usually within 60-90 days after contract, a data guidance conference should be held. These milestones will normally allow significant time for the contractor to identify the personnel that will be responsible for preparing and submitting the data. The data guidance conference is a joint Government-contractor review of the contractual data requirements to ensure that

the contractor understands his contractual obligations, and to review the contractor's approach to satisfying those obligations. The data guidance conference may be held in conjunction with other contractor guidance and introduction conferences, e.g., the post-award conference. It is highly recommended that the contract contain a requirement for the contractor to support this conference. The format for the conference is not as important as the topics to be discussed. As a minimum, the topics provided below should be addressed. These topics will enable both parties to understand the Government's intended use of the data being procured. The conference is an opportunity to resolve differences of interpretation and provide alignment of the contractor's current TDP preparation systems with the Government's TDP requirements. Finally, the conference allows the Government the opportunity to ensure that the contractor understands that all technical data presented to the Government for acceptance shall be accurate, clear, complete, current, and adequate for intended purposes. Further, all topics discussed during the conference should be documented in a set of minutes and any areas not resolved or that require changes to the contract should be brought to the attention of the appropriate Government program manager and the PCO. The minimum topics for the conference are as follows:

- (1) The CDRL requirements, the applicable DIDs, specifications, and standards, and applicable tailoring.
- (2) Data review requirements and schedules.
- (3) Data delivery requirements and schedules.
- (4) The contractor's drafting practices and data formats.
- (5) The contractor's numbering system for its drawings, part numbers, and engineering documentation.

(6) The contractor's QA procedures on data, including quality control of subcontractor and vendor data.

(7) The contractor's data rights marking procedures and policies.

(8) The role of subcontractors or vendors who will deliver data under the contract.

(9) The contractor's configuration management system, including methods for releasing data, approving data, and incorporating changes into the data.

(10) Identification of contract end items and the data trees associated therewith.

(11) The contractor's organization for developing, releasing, and controlling data. For data in digital form, include data update and transfer methodologies and identification of data exchange protocols used by the contractor.

(12) Review samples of data, if available.

(13) Other topics for discussion are identified in MIL-HDBK-288 (reference (z)).

b. In-Process Reviews and Audits.

(1) In-process reviews and audits shall employ a structured and disciplined approach of monitoring contractor data preparation to ensure that the TDP is evolving satisfactorily and that no unnecessary restrictions are being placed on its ultimate use. Maximum use shall be made of evaluations performed by Government personnel for other purposes, and of conducting in-process reviews in conjunction with other reviews to reduce duplication of effort. For example, when possible, in-process reviews for engineering data should be conducted in conjunction with the

formal design reviews and/or audit processes prescribed by DoD-STD-973 (reference (g)). Specialists knowledgeable in the use of data and in TDP preparation shall perform the in-process reviews. The step-by-step procedures for the in-process reviews shall be determined by the reviewing activity in coordination with the end users of the data. The following sample guidance is provided for use:

(a) Pre-review preparation:

1 Select the Government review team.

2 Provide the following information to the Government review team:

a The purpose of the review.

b The time and place of the review.

c If the TDP will be provided to a Government site for review.

d Contract requirements.

e Intended use(s) of the TDP.

f Identification of the review team.

3 Arrange meetings and/or reviews

a Notify the contractor.

b Ensure data is delivered or accessed on time.

c Brief the team on the review procedures.

c Discuss corrective action procedures with the review team.

(b) Conduct In-process Review (IPR)

1 The requirements of contractually imposed documents such as MIL-T-31000 (reference (p)) and applicable DIDs will be used to evaluate the data presented for review. Government- or contractor-developed checklists and MIL-HDBK-288 (reference (z)) may be used as guides in conducting the review.

2 Document each deficiency found in the data. Prepare discrepancy sheets to document the findings of the IPR.

3 Consolidate the IPR findings.

4 Discuss the IPR findings with the contractor to ensure a mutual understanding of data deficiencies identified by the IPR team.

(c) IPR follow-up:

1 Forward the consolidated IPR findings to the PCO.

2 The PCO formally submits the IPR findings to the contractor for corrective action.

(2) Consideration shall be given to the amount of data to be reviewed, delivery schedule, and availability of equipment and personnel to perform the review. In-process reviews shall:

(a) Be coordinated with the appropriate DCMC or designated Government activity representative and the contractor.

(b) Be conducted at a location consistent with the Government's objectives.

(c) Occur at intermediate stages during TDP preparation as required to evaluate data, ensure incorporation of requested corrections, answer questions, and provide guidance.

(d) Be used to assess contractor responsiveness, and, if appropriate, instigate contractual remedies for contractor or lack of progress.

(e) Be used to notify other functional data activities of potential impact caused by defective TDPs.

(3) Predetermined acceptable quality levels may be used by the Government for TDP acceptance. All data for an entity (such as a specific system) should be 100 percent complete and inspected before acceptance. No data shall be accepted with known errors or deficiencies.

c. Final Review. The TDP shall not be accepted until a final review has been performed. As a minimum, final reviews shall:

(1) Be conducted after completion of the in-process reviews and the functional configuration audit.

(2) When applicable, be integrated with physical configuration audits (PCAs) meeting the criteria of MIL-STD-973 (reference (g)).

(3) Verify that engineering decisions or changes resulting from PCAs have been accurately incorporated into the TDP.

(4) Serve as the basis for acceptance or rejection of the TDP.

(5) Include a top-down-break-down (TDBD) completeness review, to ensure that all documents cited or referenced in the TDP have been furnished as part of the TDP. Specifications and standards identified in the Department of Defense Index of Specifications and Standards (DODISS) and industry association specifications and standards are not required to be submitted as part of a TDP. MIL-HDBK-288 (reference (z)) may be used as a guide in performing the TDBD.

(6) Verify that discrepancies previously documented during the in-process review have been corrected.

(7) Include a review of the TDP to ensure its adequacy for its intended use.

(8) Require Government receiving activities to:

(a) Review data for legibility. The TDP prepared by the contractor in hard copy form shall possess the quality that, when reproduced or microfilmed, will produce copies conforming to the legibility requirements of MIL-M-9868, MIL-D-5480, and MIL-M-38761 (references (aa), (ab), and (ac)) as required by the contract.

(b) Review microfilm per reference (ah) and aperture cards of hard copy documents for conformance to format and coding requirements of MIL-STD-804 (reference (ad)), as required by the contract.

(c) The TDP prepared by the contractor in digital media shall conform to the requirements of MIL-STD-1840, to MIL-D-28000 for Computer Aided Design (CAD) data files, and to MIL-R-28002 for raster image files (references (ae), (af), and (ag)) as required by the contract.

(d) Establish and maintain records indicating that the TDP has been officially accepted by the Government. The records should document any deficiencies found in the TDP,

actions taken to correct the deficiencies, and any conditions of acceptance and approval by the Government.

d. Acceptance or Rejection. On completion of the final review, the Government reviewing activity shall notify the acceptance activity (listed on the CDRL) in writing, recommending acceptance or rejection of the TDP. A rejection recommendation shall include documented reasons. Nonconforming data in the TDP may serve as the basis for withholding contract payments as specified in the DFARS, Subpart 252.227-7030 or other contract requirements. The acceptance activity shall notify the contractor of the acceptance or rejection of the TDP. Final acceptance of the TDP is normally accomplished when the Government signs the DD Form 250, "Material Inspection and Receiving Report" and takes custody of the TDP. If the TDP is rejected, the acceptance activity shall notify the contractor in writing of the reasons for rejection. Formal notification that supplies do not conform with contractual requirements should be made by the contracting officer. In addition to providing the reasons why the data were not accepted, the contracting officer must direct the contractor to correct the deficiencies, replace the non-conforming data, or, when permitted by the contract, elect to receive an equitable adjustment in contract price in lieu of correction or replacement.

CHAPTER 7

RELEASE OF TECHNICAL DATA TO THE PUBLICA. GENERAL

Public disclosure of technical data, as defined by 10 U.S.C. 130 (reference (e)), that has military or space application is tantamount to providing uncontrolled foreign access. Because it is in the national interest to control the release of such data, Congress granted DoD the authority, by 10 U.S.C. 130 (reference (e)), to withhold that data when certain criteria are met. DoD Directive 5230.25 (reference (o)) contains the policy and procedures for determining whether to disseminate or withhold technical data with military or space application.

B. REQUIREMENTS FOR WITHHOLDING OF TECHNICAL DATA

1. Unclassified technical data may be withheld from the public when the data meets the following criteria:

a. The data has military or space application and is in the possession of or under the control of the Department of Defense.

b. The data is entitled to protection pursuant to DFARS Subpart 227.402-72(b) (reference (b)) for contractor sensitive or proprietary information.

c. The data is not subject to an exception under the export control laws.

d. The data discloses critical technology or operational advantage, as determined by the controlling DoD office.

2. In all cases the controlling DoD office, i.e., the activity that sponsored the work that generated the technical data, or received the technical data for the Department of Defense has the responsibility for determining whether the criteria for withholding from public disclosure are met.

3. Repository personnel, or other designated receiving activities, shall review incoming technical data to ensure that data created under a contract whose solicitation was issued after November 6, 1984, has been assigned a distribution statement in accordance with MIL-STD-1806 (reference (n)). Incoming technical data created after that time which have not been assigned a proper distribution statement shall be returned to the controlling DoD office for assignment of a proper distribution statement. In cases where personnel reviewing the incoming technical data suspect that proper analysis was not conducted to support assignment of a valid distribution statement, these personnel, with the concurrence of legal counsel, should seek written confirmation that the policies and procedures of DoD Directive 5230.24 (reference (c)) were followed in assignment of distribution statements. Subsequent delivery of this data still bearing apparent inappropriate distribution statements should be referred to the Under Secretary of Defense for Policy, who is responsible for administering and monitoring compliance with the program.

4. Unmarked technical data which is already held in the files by the repository shall not be removed from the file and returned to the controlling office for the sole purpose of marking. However, when a request is received for this technical data, the controlling DoD office should then be required to determine and provide appropriate marking directions to the repositories or designated receiving activities before the copy is released. In those cases where it is impossible to determine who the controlling DoD office is, the repository or designated receiving activity will assume responsibility for marking the technical data.

C. FREEDOM OF INFORMATION ACT (FOIA) DENIAL AUTHORITY

1. DoD Directive 5230.25 (reference (o)) also provides the Department of Defense the authority to deny FOIA (reference (ah) requests for data that meet the criteria described in Section B above. Assignment of a restrictive distribution statement (i.e., other than distribution statement A) may be evidence that those criteria have been met. In such cases, the third or fourth exemption of the FOIA should be cited, as appropriate. It should be noted that to meet exemption 3 withholding criteria by applying the statutes of 10 U.S.C. 130 requires written supporting documentation that meets the rationale of, or is listed, in the Munitions List (ML) or Militarily Critical Technologies List (MCTL).

D. CERTIFICATION PROGRAM FOR QUALIFIED REQUESTORS

1. Central to the technical data release control mechanism is the concept of a large pool of "Qualified U.S. and Canadian Contractors". This pool also includes private individuals and state and local governments that have a valid need for specific data. The management of this pool of qualified requestors is a responsibility of the U.S./Canadian Joint Certification Office (JCO) and the Defense Logistics Services Center (DLSC), a primary field activity of the Defense Logistics Agency.

2. The JCO has established a Qualified U.S./Canadian Contractor File to implement management control of the certification of qualified requestors and to provide this information to activities making determinations on the release of technical data with military or space application. This file has been implemented as a computer data base that will be used to generate a "Certified U.S./Canadian Contractor Access List (CCAL)." The CCAL is published quarterly and is available on microfiche. Non-Government subscribers may obtain the CCAL through the Superintendent of Documents.

3. Requests for certification must be submitted on the DD Form 2345, "Militarily Critical Technical Data Agreement." The individual or organization seeking certification should submit the form directly to the following:

U.S./Canadian Joint Certification Office
Defense Logistics Services Center
ATTN: DLSC-FBA, Federal Center
Battle Creek, MI 49017-3084

4. In submitting a DD Form 2345, the individual or organization shall certify that:

a. The person who will receive export-controlled technical data is a U.S. or Canadian citizen.

b. The technical data will be used in connection with a legitimate business that is described in the certification. This does not necessarily require a contract or grant from the U.S. or Canadian Governments.

c. The responsibilities under export control laws are understood and will be observed. This includes a recognition that release or disclosure of technical data within the U.S. or Canada with the knowledge or intent that it will be transmitted to a foreign country is illegal.

d. The business will not release or disclose the data to other than its employees except as allowed by DoD Directive 5230.25 (reference (s)) or, for Canada, the "Technical Data Control Regulations (TDCR)."

e. No person who will have access to the technical data is debarred or has violated export control laws.

f. The contractor itself is not debarred or has not violated export control laws.

5. The JCO will cross reference other available data to determine to the greatest extent possible whether the technical data recipient has been debarred, suspended, charged with violating export-control laws and regulations, or involved with violations of other Militarily Critical Technical Data Agreements. The JCO will also look for activities and organizations clearly unrelated to legitimate business purposes as defined in reference (s). Examples of inappropriate business activity are submittals by a foreign embassy or foreign trade organizations or activities that, by their nature, are primarily designed to permit public dissemination (lectures and publications, etc.).

6. When the DD Form 2345 has been approved by the JCO, information will be selected from the form and entered in the Qualified U.S./Canadian Contractor File. Selected data will subsequently be extracted from the file and will appear in the CCAL. Entries in the file will be recertified every 5 years.

E. DOCUMENTATION REQUIRED FOR DISTRIBUTION REVIEW

1. The technical data repository should have the Cataloging Handbook H-4/H-8 Series (reference (ai)) available for ready reference. This microfiche publication is available from the Defense Logistics Services Center at the address shown above in section D.3.

2. Technical organizations that are providing technical support to the engineering data repository or other designated engineering data release organization will need routine access to the Militarily Critical Technologies List (MCTL) as well as access to the CCAL. Requests for the MCTL should be submitted to the technology transfer focal points in the Military Services and the Defense Agencies. Technical review activities may also require access to or information on the State Department's Munitions List and the Department of Commerce's Commodities Control List.

3. Controlling offices will need the CCAL, MCTL, and access to, or information on, the Munitions List and the Commodities Control List.

F. PROCEDURES FOR DISTRIBUTION REVIEW AND RELEASE OF TECHNICAL DATA

1. Initial Repository Actions On Receipt of Request for Technical Data

a. Determine if the technical data requested is not releasable or has restrictions on release or disclosure for other reasons. These reasons include security classification or valid marking with a limited rights legend. Where it is possible to expunge the specific data to which the restrictions on release or disclosure apply, the request, along with the relevant technical data and supporting evaluation, should be referred to a designated organizational element at the local acquisition activity. The designated organization element should coordinate his actions with the local Data Management Office and any other technical activity(s) necessary to determine the cost effectiveness of "sanitizing" the document.

b. If the technical data is not subject to other restrictions, it should be reviewed for an "Export-Control Warning Notice." This warning notice should read:

"WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Section 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25." This warning notice generally will be associated with distribution statements B, C, D, E, F, or X. If no distribution statement is annotated on the document or if distribution statement A has been applied, the controlling

DoD office should be contacted to clarify the discrepancy before further review.

2. Distribution Review of Export-Controlled Technical Data

a. If an "Export-Control Warning Notice" is annotated on the technical data, the repository should verify that the requestor is listed on the CCAL. If the requestor is not listed on the CCAL and is not listed on the monthly cumulative "CCAL Change Bulletin" (called the "Disqualified U.S. Contractor Bulletin"), the reviewing activity should deny the request, but provide a blank DD Form 2345, the address for submission to DLSC, and a copy of DoD 5230.25-PH (reference (aj)), which is a pamphlet that explains DoD's policy for the control of unclassified technical data with military or space application.

b. If the requestor is listed on the CCAL, the request and the requested technical data should be reviewed to determine whether the data requested is related to a legitimate business purpose for which the contractor is certified. If there is any question about the relevancy of the data request to the purpose for which the data was requested, the technical review activity should forward the technical data and the request to the controlling DoD office, concurrently advising the requestor in writing that the request has been forwarded to the controlling DoD office, who will be responsible for the decision to release or deny the request.

3. Distribution Review for Technical Data Assigned a Distribution Statement

a. If distribution statement A is assigned, release the technical data to the requestor charging an appropriate search, reproduction, and delivery charge in accordance with DoD Instruction 7230.7 (reference (ak)).

b. If distribution statement B is assigned, the technical data is not to be released outside the Government without specific approval of the controlling DoD office. If there is a question whether the requesting activity is indeed a U.S. Government Agency, refer the request and the technical data to the Office of the Under Secretary of Defense for Policy for disposition.

c. If distribution statement C is assigned to the technical data, the data may be released to another party subject to the following conditions.

(1) Either they are a Government contractor or approved by the acquisition as a potential contractor.

(2) If the data is export controlled, a DD Form 2345 must be in the possession of the Department of Defense.

(3) If the data is classified, an approved DD Form 250 (with "need to know" the subject field of the data) must be on file with the Department of Defense.

c. If distribution statement D is assigned to the technical data, the data may be released to another party subject to the following conditions.

(1) Either they are a DoD contractor or approved by the acquisition activity as a potential contractor.

(2) If the data is export controlled, a DD Form 2345 must be in the possession of the Department of Defense.

(3) If the data is classified, an approved DD Form 250 (with "need to know" the subject field of the data) must be on file with the Department of Defense.

e. If distribution statement E has been assigned to the technical data, the reviewing activity is to release this data to DoD Components only unless specifically approved by the controlling DoD office.

f. If distribution statement F has been assigned to the technical data, the reviewing activity should refer all requests to the controlling DoD office. Each activity should periodically review technical data marked with a distribution statement F to verify that there is a valid and continuing need to store the information. When the need can no longer be established, disposition of the technical data shall be accomplished based on written instructions from the controlling DoD office.

g. If Distribution Statement X has been assigned to the technical data, the data may be released to U.S. government agencies. When a DD Form 2345 is on file with the Department of Defense, the data may also be released to parties with a legitimate business interest with the Department of Defense.

h. The controlling DoD office may always release data to anyone regardless of the distribution statement subject to any constraints imposed by statute or DoD policy.

4. Technical Data Not Marked with a Distribution Statement

a. Technical data that have not been marked in accordance with DoD Directive 5230.24 (reference (c)) should be reviewed by the controlling DoD office and an appropriate distribution statement assigned.

b. An initial step in establishing the appropriate distribution statement is to review whether the technical data has been released to the public. Evidence of such

release would include listing in a reprourement data package or in a procurement description that has been used in the past to support a competitive procurement. Each reviewing activity should canvass the record-keeping at the data repository or at each activity that directs the data repository to release information. Determine whether the appropriate reason for a protective statement such as export controlled or classified still applies and mark the document accordingly.

c. The reviewing activity should also research the Military Engineering Data Asset Locator System (MEDALS) for other repositories that may contain the same, or earlier revisions of the same, technical data. If such duplication exists, proper distribution statement assignment should be the responsibility of the cognizant Government design activity with notification to the other repositories also holding the data.

d. If research indicates that the controlling DoD office no longer exists, the DoD Component Headquarters shall assign responsibility to an appropriate organization in their chain of command to make a determination concerning marking, remarking, and release of the data.

CHAPTER 8

PREPARATION, COORDINATION, CLEARANCE, AND APPROVAL OF DoD DATA ITEM DESCRIPTIONS (DIDs)

A. PREPARATION OF DIDs

1. Before preparing a new or revised DID, the current issue of the AMSDL, DoD 5010.12-L (reference (a)), and AMSDL Notices, shall be researched to determine whether an existing approved DID can be used as is, tailored, or revised in lieu of preparing a new DID.

2. DIDs shall be prepared in accordance with DOD-STD-963 (reference (g)). When a DID requires an associated form to be completed by the contractor in preparation of the data product, the form shall be approved by the DoD Components forms control office and must display the OMB control number 0704-0188 and an Agency Disclosure Notice (ADN) at the top of the form. Forms that were approved before the DID was prepared must be revised to display an OMB control number and ADN at the top of the form before is is attached to the DID and submitted for approval. Forms that are not mandatory but are "sample formats," shall be clearly marked as such and shall not display form numbers, the ADN, or the OMB control number.

3. New and revised military specifications that contain data or recordkeeping requirements shall be prepared in accordance with MIL-STD-961 (reference (r)).

4. New and revised military standards that contain data or recordkeeping requirements shall be prepared in accordance with MIL-STD-962 (reference (s)).

B. COORDINATION OF DIDS

1. DIDs that are prepared or revised concurrently with new or revised military specifications and standards (Type I DIDs) shall be coordinated concurrently by the Preparing Activity (PA) of the military specification or standard in accordance with the procedures of DoD 4120.3-M (reference (al)). The DIDs shall be coordinated with the appropriate DoD Component Data Management Office before submission to the DoD AMSDL Clearance Office for approval and clearance.

2. DIDs which are prepared to accommodate the data requirements in existing specifications or standards (Type I DIDs) shall be coordinated with the PA of the specification or standard. If the PA concurs with the DID, the PA shall prepare an amendment to the military specification, or a notice to the standard to incorporate a reference to the DID. Coordination of the amendment or notice shall be conducted in accordance with DOD 4120.3-M (reference (al)). The DID shall be coordinated with the appropriate DoD Component Data Management Office before submission to the DoD AMSDL Clearance Office for approval and clearance.

3. New or revised DIDs that are not associated with a military specification or standard (Type II DIDs) shall be coordinated with the appropriate DoD Component Data Management Office before submission to each DoD AMSDL Clearance Office for approval and clearance.

4. When a contract data requirement cannot be satisfied by using the DIDs currently listed in the AMSDL, and time constraints preclude preparation and approval of a Type I or II DID, a one-time DID (Type III DID) may be prepared and used in a contract solicitation. One-time DIDs (Type III DIDs), which are restricted to use on one contract, require only coordination and approval within the applicable DoD Component. Clearance and approval by the DoD AMSDL Clearance Office is not required. The Data Management Focal Point for each DoD Component listed in the AMSDL (reference

(a)) shall assign one-time DID identification numbers from the block of numbers issued to each DoD Component as follows:

The first two digits will be "OT"

The third digit is a dash "-"

The fourth and fifth digits will indicate the fiscal year (FY) e.g., "92"

The sixth digit is a dash "-"

The seventh thru eleventh digits will be assigned by the Data Management Focal Point from the following block of numbers:

- 10000 Army
- 20000 Navy
- 30000 Air Force
- 40000 Defense Intelligence Agency
- 45000 Marine Corps
- 50000 Defense Communications Agency
- 55000 Defense Mapping Agency
- 60000 Defense Nuclear Agency
- 65000 Defense Logistics Agency
- 70000 National Security Agency
- 75000 Not Assigned
- 80000 OSD

Example:

OT-91-10000 (the first number assigned in FY 91 by the Army).

OT-92-10000 (the first number assigned in FY 92 by the Army).

a. This numbering system eliminates the need for repeated assignments of new blocks of numbers.

b. One-time, or Type III, DIDs may continue being used on follow-on contracts for procurement of additional quantities of the original item. However, when recurrent

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Example:

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a. This numbering system eliminates the need for repeated assignments of new blocks of numbers.

b. One-time, or Type III, DIDs may continue being used on follow-on contracts for procurement of additional quantities of the original item. However, when recurrent

use of the data requirement of a one-time DID on other contracts is expected, a Type I or Type II DID should be concurrently prepared, coordinated as appropriate, and submitted to the DoD AMSDL Clearance Office for approval and clearance.

5. New or revised military specifications and standards that contain recordkeeping requirements or cite existing DIDs shall be coordinated by the PA of the military specification or standard in accordance with the procedures specified in DoD 4120.3-M, (reference (a)). The PA shall submit the specification or standard to the DoD AMSDL Clearance Office for clearance after completion of the coordination process.

C. CLEARANCE AND APPROVAL OF DATA ITEM DESCRIPTIONS

1. The "Paperwork Reduction Act of 1980," Pub. L. 96-511 (reference (d)), established policies and procedures for controlling paperwork burden imposed by Federal Agencies on the public. The OMB has determined that the data acquisition documents listed in the AMSDL, DoD 5010.12-L (reference (a)), are subject to the provisions of reference (d). Accordingly, the OMB control number 0704-0188, assigned to reference (a), applies to the information-generating requirements contained in military specifications and standards and to the related DIDs listed therein. Consistent with the blanket OMB clearance that has been assigned to the AMSDL, preparation and submittal of individual Standard Forms 83, "Request for OMB review," are not required for individual data acquisition documents.

2. New and revised data acquisition documents intended for recurrent contractual use shall be submitted to the DoD AMSDL Clearance Office for approval and clearance as a complete package containing the following:

a. A forwarding letter, which includes the following:

(1) The desired action, e.g., "approval of a new DID," or "assignment of an AMSC number to a military specification.

(2) A statement indicating that the document has been fully coordinated, as appropriate.

(3) A supporting statement describing the need for the data and certifying that the data requirements contained in each proposed data acquisition document are not duplicative of existing approved and cleared data requirements.

b. A legible copy of each proposed data acquisition document. For each proposed DID, a clear original copy is also required.

D. CANCELLATION OR SUPERSESSION OF DIDS

1. When a military specification or standard that contains requirements for the preparation of deliverable data is canceled, any associated DIDs that do not cite any other source documents shall be proposed for cancellation by the PA of the specification or standard. The PA shall provide the proposal to cancel the DID(s) to the DoD AMSDL Clearance Office, citing the cancellation of the associated specification or standard. Advance notification of the intent to cancel the DIDs will be published in two consecutive AMSDL Notices prior to final cancellation. This provides an opportunity for other users of the DID to register a need for retention of the DID with the AMSDL Clearance Office. In these cases, the user will normally be asked to assume responsibility of "Office of Primary Responsibility (OPR)" for the DID.

2. When DIDs are intended to be canceled independent of the cancelation of a military specification or standard, the OPR will notify the DoD AMSDL Clearance Office. The DoD AMSDL Clearance Office will determine if the DIDs have been cited in any source document listed in the AMSDL (reference a)). If so, the PA of the source document will be notified of the proposed cancelation. If the PA determines that the DID is still required to accommodate data requirements in the source document, the PA may then be designated as OPR for the DID, and the DID will not be canceled. If the AMSDL Clearance Office determines that the DID has not been cited in any source documents listed in reference (a), or if the PA determines that the DID is no longer required, notification of the intent to cancel the DID will be advertised in two consecutive AMSDL notices as described in D.1., above.

3. New or revised DIDs can supersede existing DIDs when the OPRs of the affected DIDs concur in the action. The OPR for the new DID has the responsibility for obtaining this concurrence. Superseded DIDs are listed in block 7 of the DD Form 1664.

4. Canceled or superseded DIDs shall not be used on new solicitations or contracts. However, if a DID is canceled or superseded subsequent to the release of a Request for Proposal but prior to the award of a new contract, the canceled or superseded DID may still be cited. Also, canceled or superseded DIDs that are in use on a current contract may be used on follow-on contracts for the same item when continuity of data format and content is required. In all cases where a DID has been superseded, the newer DID should be reviewed for possible application on the new or follow-on solicitation or contract. Because canceled and superseded DIDs are not readily available at the DoD Single Stock Point, copies should be retained by the project office and included in the contract or solicitation package. If this is not done, copies may be obtained from the DoD Single

Stock Point if the contracting officer certifies the need for a contractor to obtain copies of the canceled or superseded DIDs in fulfillment of their contractual obligations.